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Amit Ranjan

India–Bangladesh Border Disputes

History and Post-LBA Dynamics

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For My Parents

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This book is a result of two accidents. First, in 2013, after a series of failed attempts to get a job, I got a call from the Indian Council of World Affairs (ICWA), New Delhi, to join as a Research Fellow. Second, at the ICWA, I was instructed to work on Bangladesh—a country about which I had little knowledge, I started the learning process, and this book is a result of it. Along with Deputy General of the ICWA, Ajaneesh Kumar, I am also thankful to Dr. Vijay Sakhuja, Dr. Pankaj Jha, Dr. Rahul Mishra, Dr. Shamshad Ahmad Khan and Dr. Smita Tiwari. A special thanks to Vishal and Jagbir who, during my ICWA days, assured that every morning I get my breakfast.

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During my field work in New Delhi, I met a few Bangladeshis who crossed over into the Indian side of the border in 1971 as a refugee, but now they identify themselves as Bengalis from the Indian state of West Bengal living in Delhi. They informed me about their roots and original identity after I promised them to not reveal their names, location and other forms of identity which could pose problems to them. They also told me their part of the stories about the atrocities they experienced in 1971, and shared the trauma of being displaced from their 'roots' in Bangladesh. This includes both Hindus and Muslims. I also met a few migrants from Bangladesh who move across India–Bangladesh border line at regular interval of time. They shared their experiences of crossing into the other side of the border. Thanks to all of them. I also discussed this issue with people in Guwahati and Dhaka during my visits to the respective cities. Most of my interactions with them

were informal. This helped me to learn a lot about the border, borderland and their ‘violation’.

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About the Author

Amit Ranjan is a Visiting Research Fellow at Institute of South Asian Studies, National University of Singapore, Singapore.

Abbreviations

AASU	All Asom Students Union
AIML	All India Muslim League
AL	Awami League
BC	Border Commission
BCIM-EC	Bangladesh–China–India–Myanmar Economic Corridor
BGB	Border Guards Bangladesh
BJP	Bharatiya Janata Party
BNP	Bangladesh Nationalist Party
BSF	Border Security Force
CHT	Chittagong Hill Tracts
EEZ	Exclusive Economic Zone
ICP	Integrated Check Post
IMDT	Illegal Migrants (Determination by Tribunal) Act
INC	Indian National Congress
IOM	International Organization for Migration
LBA	Land Border Agreement
NDA	National Democratic Alliance
NRC	National Register of Citizens
PCA	Permanent Court of Arbitration
SCF	Schedule Caste Federation
UNEP	United Nations Environment Programme
UNHCR	United Nations High Commission for Refugees
UPA	United Progressive Alliance

Chapter 1
Introduction

Border demarcates one sovereign territory from the other. This is being protected from trespassing by any individual or a group from the other side of the line. To do so almost all states of the world maintain armed guards, and use modern technologies. Moreover, to protect it from violation, many countries have fenced their borders with barbed wire. In some countries like India, a debate is also on-going to seal the border with Bangladesh. Not only in postcolonial countries even the advocate of a globalized 'borderless world' are arguing for such possibilities. For example, since Donald Trump has taken over as the President of the United States of America in January 2017, a debate started on the need to fence its border with Mexico from where, allegedly, a large number of immigrants get into the country. Besides, constructing such structures to maintain the sovereign character of the border, the guards do not even shy away or give a second thought to fire at anyone trying to trespass into the other side of the line.

Yet people take all forms of risks to cross into the other side of the line. Reasons for doing so are different, ranging from economic greed to the political and military reasons to emotional satisfaction. Both protection and violation of border lines are not new rather a process started in ancient time. In fact, the history of the world is the story of the people's mobility from one place to others, and violation of sovereign lines.

In ancient time, after the human being settled down, mobility from one region to the other created opportunities for interaction among the people which made them to learn from the others through exchanging knowledge. The transfer of knowledge from one part to the other parts of the world benefitted the humanity and spread material progress. During those days, only border people had were drawn by the nature. Often, the topography of a region and sea turned out to be reasons for

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disengagements among people from different civilizations. For example, inhospitable geographical barriers were reasons why India and China could not have more meaningful interactions in ancient time, though a number of Chinese scholars visited India during that period.[1] During those days most of their interactions were indirect through Southeast Asia-based traders by the maritime route or through Central Asia-based traders traversing the ‘Silk Route’.[2] To overcome such barriers, means of communications were invented. Those means of communications and transportation were first used for trade, and later also for military activities.

With the formation of early states, idea of sovereign border emerged. Those states drew a line to demarcate their territory and differentiate one group of people from the other on the basis of their space of living. Despite sketching of border lines, people from one state continued to move into the other state for various reasons like war or trade or for other purposes. For example in the Indian subcontinent, such movements had transformed the ethnic and religious demography. Early medieval period (eighth to twelfth century) saw a series of attacks by the Central Asian invaders in India. Many such invaders settled down in India and set up their empire at different periods of time. To a large extent, such invasions were halted after the setting up of the Mughal rule in India in 1526. The Mughals made India their home and ruled till 1857 when the last Mughal King was defeated by the East India Company.

Movement of merchants, traders and soldiers from Europe to the other parts of the world became much needed after the beginning of the industrial revolution from the 1760s onwards. Following the Industrial Revolution, a number of trading companies like East India Company were set up in many countries across Europe. These companies commissioned individuals or groups to discover trade routes to other parts of the World so that the companies could make a profit. These companies used nationalism as a potent tool to engage soldiers to fight trade wars between the traders from the different countries. First entered as traders, gradually, the trading companies with the help of the soldiers established colonial rule over the new found market and resource hub. In the initial days of the Industrial Revolution, competition to establish colonial rule was mainly among the trading companies from Germany, France and the United Kingdom. Portugal, Spain and Dutch were early colonizers but, over the time, lost many of their prized colonies to the companies from one of the three West European countries. Imperialism followed the colonial rule.

Like other parts of the World, the European colonialists entered into India to carry out trade. The Portuguese were the first to set up their foot in India, others followed. To establish their hold over the Indian market and exploit its resources, the European companies competed and fought wars among them. In their wars, they also indulged the local kings or say the kings indulged themselves into the wars between the European trading companies for booty. Eventually, by the end of the eighteenth century, the East India Company managed to oust the French and set up their rule in India. In 1857 the Company faced the first rebellion which they

[1]Gupta [1].

[2]Ibid.

managed to suppress. After the rebellion, the British monarchy took over the affairs of the Company and made India a part of the British Empire. The imperialist rule continued since 1947 when India attained its independence. Between 1857 and 1947, the British monarchy had stretched its territorial limits and border to areas beyond its shores.

During the colonial period, to protect their stretched boundaries and spread market, the European empires had fought wars among themselves. In the First World War (1914–1919) and the Second World War (1939–1945), the soldiers and resources of the respective colonies were used by the imperialists. Soon after the two World Wars, a period of Cold War began (1945–1991). There were two blocks Eastern block was led by the Soviet Union and the Western Block was under the leadership of the United States of America (USA). The former was under the influence of communism while the latter regard itself as a representative of the capitalism. In 1991, after the disintegration of the Soviet Union, the Cold War ended with what is called as a victory of the capitalism.

Following the victory, a New World Order led by the capitalist world emerged. This so-called liberal order was led by the market forces which propagate the ideals of globalization. It clamours for a 'borderless world' where goods and population can move efficiently. A revolution in the Information and Communication Technology has provided a virtual 'borderless world' through which people meet, talk and interact without crossing into the other's sovereign territory. Initially, the spirit of globalization was reluctantly accepted by most of the developing countries, some of them were politically trapped to accept the diktats of the Western countries dominated the International Monetary Fund and The World Bank.

Although started with a lot of promises, after a few decades, Globalization found opposition within the developed world. It has become a reason for the rise of chauvinism, anti-immigrant violence, racism, etc. To an extent, it is also a reason for terrorism because most of the terror groups look the cultural aspects of globalization as an interference in their culture and religion. Under the gloves of globalization, it is regarded by the Marxist scholars that the western world is promoting the values of neocolonialism. The grabbing is being supported by the bourgeoisie from the periphery, however, resisted by the locals whose resources the international or national companies try to grab.

Due to structural problems inherent in the ideals of globalization within few decades of its introduction, instead of being a precursor for a liberal world where it was thought that the goods and people can move freely without any sorts of obstacles, to a large extent, it seems that the world is moving towards larger protectionism.

At the economic level, globalization calls for competition, but in reality, protectionism is being practiced. Earlier the developed countries and the multilateral financial institutions used to give long lectures to the representatives from the developing world about the benefits of opening up their market and become a part of the global trade. Now most of the developed countries themselves are following protectionism to secure their trade interests. A recent example to such protectionism is in 2018 the President of the USA, Donald Trump, imposed tariffs on about 1,300

goods worth around $50 billion USD imported by the USA from China. The higher tariff was imposed on steel and aluminium. In retaliation, China too imposed 25 percent tariffs on 128 goods exported by the USA worth $50 billion USD. This tariff war is a sheer example of to what extent countries can go to secure their economic interests in the age of protectionist version of globalization. Trump has also taken measures to stop immigration to the USA. Notably, movement of people is one of the features of the globalized world. Visa rules have been made strict and vigilance has been increased on the borders. The US is not an only example, there are other countries too.

However, no matter how strongly the boundaries are guarded, the lines are being violated. First, legally or illegally, migrants try to move into the developed countries for economic reasons. Both legal and illegal migration takes place because there is a lack of opportunities and resources at home. The unemployment and underemployment rate in most of the developing and Least Developed Countries (LDCs) are such that people take all such risks to enter into the other countries to earn money. Second, the supply is there because of the demand for cheap skilled labours from developing and LDCs into the developed countries. High skilled or semi-skilled labourers from the developing countries and LDCs are required to do many works which most of the native citizens do not desire to do. This is also a reason for the movement of people from the LDCs to a developing country. In developed countries, this type of movement is taking place since post Second World War (1939–1945) when the construction works in most of the European countries made them import labours from their erstwhile colonies. The citizens from those respective European countries did not want to do those works because they were considered ‘dangerous’ and ‘dirty’. Also, as they were accruing benefits of a lot of welfare programmes introduced by their respective governments they had no such economic necessity. Third, in the age of globalization, aspirations and material desires of people have increased manifold. To meet them one needs money. The developed countries attract because of the value of their money compared to the currency in developing and LDCs. Many migrants go and work as labourers in developed or developing countries even at relatively less salary braving all forms of discriminations and, sporadic violence against them. For example despite violence and discriminatory treatment they met with, a large number of South Asian workers go to the oil-rich West Asian countries for jobs.[3]

Fourth, people in order to take a refuge, move to other countries to protect themselves from the ongoing civil war in their country or when invaded by the other state or states. This is an age-old pattern. During the Second World War millions of Jews sought refuge in different parts of the world. In 1980s, millions of Afghans crossed into Pakistan border to secure their lives from the then ongoing civil war militarily and politically supported by the USA and Soviet Union, respectively. Even since the USA led the attack on Afghanistan in 2001 many Afghans have left their homes and have moved into the other countries. In 2015, the

[3]See Ranjan [2].

civil war in Syria forced many people to cross into European countries. Then in 2017 once again, persecution of Rohingyas by the Myanmar Army has made many Rohingyas cross into the borders of Bangladesh and India, respectively. Fifth, people do cross the other side of the border to maintain kinship. As the border lines of most of the erstwhile colonial states were drawn by their imperial masters, people from same families became a part of two respective countries. To continue their tie, legally or illegally people visit to participate in the family affairs across the border. For example, during the partition of India in 1947, some members of a single family moved to Pakistan while others preferred to stay in India. Most of such family members do try to cross the border to meet their extended family members. This despite bitter relationships between India and Pakistan due to which, in most cases, visas are being repeatedly rejected by the respective High Commissions. Sixth, environmental reasons like floods, drought, etc., too are reasons for people to seek shelter in other parts within the country or cross into the borders of the nearby state. For example, almost every year many people from India and Bangladesh cross into the other sides of the border because of floods in the rivers. Most of those people return to their place once the situation becomes normal, but few prefer to stay back to avoid facing a similar situation in subsequent years.

No matter why people move, all such movements are being opposed by the local population who see the migrants and immigrants as an extra burden on their resources. Often clashes do occur between the outsiders and the locals. Likewise, immigration and migration in India via India–Bangladesh border is a source of tensions between the locals and the migrants and the immigrants.

India–Bangladesh Border Issues

In 2011 to resolve their border related demarcation disputes, India and Bangladesh agreed to implement the Land Border Agreement (LBA). The treaty entered into force after its ratification by the Indian parliament in 2015. This formally ended their decades-old territorial demarcation issues on their border. The two sides exchanged enclaves and adversely possessed lands between them. However, more than the territorial demarcation, the cause of tension between India and Bangladesh is the movement of population across the line. This movement of people across the physical line is going on even before Bangladesh or East Pakistan was formed, and so are tensions between the local population and the outsiders.

Historically, the genesis of a large-scale movement of population across the present India–Bangladesh border goes back to nineteenth century when after the introduction of tea plantation in Assam in the province in late 1820s and its expansion in 1830s[4] a large number of labourers, mainly Muslims, moved from then East Bengal to work in the plantation industry. At that time there was no

[4]Gait [3].

demarcated border line between Bengal and Assam, as the entire region was under the British rule. Such movement was further increased after the discovery of oil and setting up of oil refineries in Assam. Once a large number of population from the East Bengal moved into Assam tensions brewed between the migrants and the local population. To address those tensions, the British took certain legal measures.[5]

But those measures could not halt the tensions. The movement of people created an identity as 'others' and 'selves' in the minds of both -immigrants and the locals. For latter, the presence of immigrants/migrants defiles the local culture and tradition. Economically, they were seen as a job and land grabbers by the local population. Initially, the tag of the outsider was mainly used for the middle-class Bengalis who took up a large number of government jobs in Assam and were reluctant to mix with the local population of the area. Unlike the middle-class Bengali Hindus, the Muslims from the East Bengal learned their language and interacted with the local population. Until language remained the prime determinant of the Assamese culture the Muslims from East Bengal were, relatively, more welcomed than the middle-class Hindu Bengalis. With the rise of communal politics in colonial India, religion replaced all other cultural traits in the Assam. Later after the democratic elections were introduced in Assam by the British imperialists, mainly, Muslim leadership of the region used migration and immigrants to strengthen their political base. As a result, identity based tensions have further increased between the two communities.

Like Assam, a subtle border line between people from East and West was already there in Bengal. This was demarcated on the ground when Bengal was divided in 1905 by the British rulers into two parts. The division, as maintained by the British, was for administrative reasons while in reality, it was to decimate whatever tenuous religious bonding was there between the Hindus and Muslims. It was opposed by a large section of the Hindu population but welcomed by many Muslims who felt that the division would liberate them from the social, political and economic domination of the upper caste Hindus in colonial Bengal. Anti-Bengal division movements were launched across India by the Indian National Congress (INC) whose impact compelled the British administrators to annul their decision in 1911. Politically, the annulment was welcomed by the INC but was opposed by the Muslim leadership under the All India Muslim League (AIML). Socially, although the decision was annulled, it left a deep mark on the people of Bengal. An identity developed around that dividing line of Bengal which over the years created a situation that led to led to the partition of India and second division of Bengal in 1947.

People wears and represents multiple identities. Simultaneously, they belong to a religion, ethnic group, region, etc. None can be termed as a primary or secondary. The preference given to one over the other depends on time and space. This was the

[5]Ibid.

case with the Muslims from Bengal and Assam during the colonial rule. The Muslims from Bengal and Assam wanted a separate state but followed their co-religionist in the whirlwind of Pakistan's movement of 1930s and 1940s.[6] After Pakistan came into existence in 1947, the Muslims of Bengal realized that they are different from the Muslims from West Pakistan. It was the identity of being Bengali which made them rebel against the West Pakistani dominated state establishment in 1952 on the demand for granting a status of national language to Bengali. Although Bengalis were given the status of an official language of Pakistan in 1956, differences and discriminations against them continued. Eventually, in 1971 East Pakistan got liberated from the West.

Like earlier, both in 1947 and 1971 a large number of people moved from erstwhile East Bengal to various parts of India. These movements, unlike earlier, was to protect themselves and in search of a new 'home'. The adoption of new 'home' created a new identity of the uprooted people, though the land or homeland always remain in imagination or memories, even if one moves out or forced to do so from their place of origin. In 1947 the Border Commission (BC) under Sir Cyril Radcliffe, not only partitioned the territory but also created new identity of the people who became a part of the two respective states- India and Pakistan. Later, the partition related memories, and state of affairs between the two countries have made the respective states to define the other. In 1971, once again a large population from the erstwhile East Bengal took refuge in India to protect themselves from the violence unleashed by the Pakistani army. The identity of these refugees have kept on changing, and so are the terms used to define them.

Physically, the territory divided by the BC failed to provide a permanent solution to all territory related grievances expressed by the INC, AIML, and others in their representations to the BC. As a result, soon after the partition of India, the two countries engaged into border disputes in both the Eastern and Western sectors. In 1971, after Bangladesh came into being some of those disputes were inherited by Bangladesh. To address them, in 1974 India and Bangladesh signed an agreement, but it could not be implemented then, though a territorial dispute or two were settled down through land swapping amidst political protests in parts of India. After 37 years of signing, in 2011 the LBA protocol was agreed upon between the two countries and it was ratified by the Indian Parliament in 2015. On the ground, the LBA was executed by 2016.

As the LBA has been implemented, the big question is can it address the problems associated with it. The determinants of the identity have changed over the years and so are the 'others'. With the rise of religion, it has become one of the most effective determinant to mark out individual's identity. On that basis, even the immigrants whose ancestors came to India from East Bengal during to colonial period or before that are also seen by many as an outsider. A consistent movement to recognize those outsiders and deport them to 'their' land has taken place mainly in Assam. In 2015 a process to update the National Register of Citizenship

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[6]Zaheer [4].

(NRC) started in the Indian state of Assam. The first draft of the NRC was published on the midnight of 31 December 2017. This draft included the names of 1.9 crores (19 million), out of 3.29 crore (32.9 million) population of Assam,[7] and declared them as legal citizens of India. More than the beginning of work for updated NRC, publication of the first draft triggered tensions between the communities and created confusions over the citizenship status of people from the Indian side of India–Bangladesh border. To defuse tensions and clear doubts the NRC officials made repeated statements that as it was the first draft only there is no need to be panic. They assured people that many names are still under the various process of verification and, therefore, they are not on the list.[8] The second draft will be published on 30 July 2018, and the final report is expected to be completed by the end of 2018.

Besides the people, India–Bangladesh border line also describes the relationships between the two states. India and Bangladesh share a cordial relationship with some grey patches. As a big country, India is often alleged by a large number of Bangladeshis for interfering in their internal affairs as a custodian[9] or behaving like a 'big brother'. However, in recent times to come out from such tag, in her repeated statements and speeches present Minister of External Affairs, Mrs. Sushma Swaraj has maintained that India is 'Elder Brother' and not 'Big Brother'. By former, she means someone who cares for the younger ones. This is unlike 'Big Brother' which means or has been taken as one who keeps on bullying the weak.

During the early days of Bangladesh, the country shared close relationships with India. However, after the assassination of Sheikh Mujibur Rahman on 15 August 1975, it became difficult for India and Bangladesh to maintain the same momentum in their relationship. The military rule under General Ziaur Rahman (1977–1981) and Hussain Mohammad Ershad (1983–1990) further complicated their bilateral relationships. Both of them tried to distance Bangladesh from India, and to balance it played a critical role in inviting China to South Asia. Another development

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[7]'Assam publishes first draft of NRC with 1.9 crore names', *The Times of India*, 1 January 2018. https://timesofindia.indiatimes.com/city/guwahati/assam-publishes-first-draft-of-nrc-with-1-9-crore-names/articleshow/62322518.cms. Accessed on 19 May 2018.

[8]Ibid.

[9]According to Robert Stewart-Ingersoll and Derick Frazier, the definition of regional custodianship constitutes: (1) It is focussed specifically upon securitized issues or actors that are internal to the region. (2) Custodianship is focussed upon temporarily proximate threats. (3) The custodian plays a critical function in the identification and prioritization of destabilizing elements within the region to include those issues and actors that have the potential to destabilize the security order itself. (4) The custodian will be a primary provider of resources and/or expertise in the management of those issues and actors that it has identified and prioritized as security threats. (5) The building of coalitions and the mobilization of institutional resources and mechanisms that are available within the status quo regional security order are likely to be driven by the regional custodian. (6) In cases in which the security threat is perceived to the emergency the custodian will play a significant role in the direct deterrence of the threat. It need not wait for the problem to manifest itself in order to play the role of custodianship. (7) Finally, the custodian may directly intervene into situations and actively attempt to manage and reduce their intensity and level of threat. It involves much more assertive and participatory function in the activity of security management. Ingersoll and Derrick [5].

Bangladesh witnessed during the rule of the two successive Generals was Islamisation from above. This further created distance between India and Bangladesh. Their bilateral relationship was tried to put on rails after the representative democracy returned to Bangladesh in 1991. During the rule of democratic government (except 2007–2008) it is being, overwhelmingly, believed in both countries that during the Sheikh Hasina's years as prime minister (1996–2001 and 2009 to till now) India and Bangladesh enjoy a cordial relationship. This is mainly because during these years two countries have been able to make a certain big breakthrough in their bilateral relationships. For example signing of India–Bangladesh Ganga Water Treaty (1996), LBA 2011 etc. This does not necessarily mean that the two states do not share good relationship when Khaleda Zia is in power (1991–1996 and 2001–2006). Changes in the political relationships between India and Bangladesh, and the domestic situation in the respective countries have impacts on their border line.

Not only bilateral relationships but also some global incidents affect the communal relationships within the country, and also change the character of the border lines. One such incident in recent time was the terrorist attack in New York on 11 September 2001 (9/11). The attack changed the security discourse across the globe. Aftermath the attack, like many countries around the World, India too extended its moral support to the USA led Global War on Terrorism.[10] Both the domestic challenge and international consequences of the 9/11 made the boundaries more vigilant. India–Bangladesh border is one of them. Many times militants from Bangladesh after carrying out attacks in their country do cross into the Indian side of the border to avoid any legal dealings against them. Sometimes, they also engage themselves to recruit Indians in their group. In addition, India too faces such situation where members of some of its own insurgent and militant groups after carrying out crime take shelter in Bangladesh. This was more often in past than the present times. To meet such security-related issues various measures including a possibility to seal the India–Bangladesh border is being talked about by the Union and the state leadership in India to which Bangladesh is not agreed.

No matter how tough the India–Bangladesh border turns into, population across the border lines will keep on moving. Reasons for such movement is defined by the individuals. In subsequent chapters, I have discussed the history of the construction of the physical and mental border lines between the people wearing different identities. History has helped to study the present with a myopic vision on future of the India–Bangladesh border.

[10]In 2003 after a debate in the Parliament, the government of India rejected the USA's request to send its troops to fight in Afghanistan. However, India has provided economic aid and engaged into construction activities in Afghanistan.

Questions, Arguments and Methodology

This manuscript is an attempt to answer the following research questions: (a) why and how the Border Disputes between India and Bangladesh started? (b) what is the role of social and political actors in complicating the legal border demarcation issue between India and Bangladesh? (c) can the LBA lower down border related political tensions between India and Bangladesh? and (d) is border also an emotional line dividing the people who want to cross it?

In this book, I argue that more than the bilateral relationships between the neighboring countries it is the construction of identity of people, their imagination of self and about the ‘others’ living with them or across the border determines the character of India–Bangladesh border. Imagining of selves and the ‘others’ create a relationship between the Immigrants and locals. It is this relationship which regulates the behaviour of the border guards and the local police against those living near the India–Bangladesh border line or crossing them. Good political relationship between the two countries only assure that the level of tensions at their border does not go beyond a certain ‘accepted’ level and impinge on their bilateral relationships.

In this manuscript, original documents of India–Bangladesh agreements have been used to understand the procedure and analyse why it has taken so long for India and Bangladesh to resolve their border disputes. As this project was started in 2013, when there was a bit confusion over the implementation of the LBA, this manuscript has taken into account all such political and legal nuances which created a lot of confusions then. During all these years of study on this issue, the author had got opportunities to discuss the issue with many individuals engaged in policy-making process in India and scholars working on the issue. All such discussions and views have been used as primary or secondary sources in this manuscript. As in the past, the author has written and got published essays and articles on the theme, some of the contents, facts and ideas have been unavoidingly repeated in this manuscript,[11] though none of them have been fully re-produced

[11]Migration from Bangladesh: Need, Impulses and Exploitation The Roundtable: The Commonwealth Journal of International Affairs (Routledge, London) Volume 105 Issue 3, June 2016 pp. 311–319. Bangladesh Liberation War of 1971: Narratives, Impacts and the Actors India Quarterly (Sage, New Delhi) Volume 72 Issue 2, June 2016 pp. 132–145. India–China Border Disputes: An Overview Asian Affairs (Royal Society for Asian Affairs, London, Routledge) Volume 47 Issue 1, 2016 pp. 101–114. India–Bangladesh Land Border Agreement: Disputes (not) over yet? Journal of Asia Pacific Law Review, Department of Law and Human Rights, University of Asia Pacific, Dhaka Volume 1 Issue 1 August 2015 pp. 71–84. Radicalism in Bangladesh: Causes, Concerns and Consequences Himalayan and Central Asian Studies Journal Volume 19 Number (1–2) January–July 2015 pp. 87–99. Migrants, Debates, Conflicts: Can the LBA Address Them? In Nawal K Paswan (edited) India’s Northeast and Beyond: Challenges and Opportunities (2017) Akansha Publishers: New Delhi, pp. 13–23. Besides them a few commentaries the author has written for Institute of South Asian Studies, and ICWA, respectively, on this theme.

here except the one I wrote for Institute of South Asian Studies, Singapore titled 'Hasina's Visit to New Delhi: An Assessment'. In this manuscript literature published and available only in the English language has been used, and not anything original from Bangla, Bengali and Assamese have been translated for the purpose of this work. However, materials available in translated form from those languages into English have been used by the author. Due to it, a few of the aspects, dimensions and information which should have been part of it, may be missing in this book.

Structure of the Book

When I started working on this book I had many questions in my mind, the most pertinent one was: what is the need for writing on an issue which, as everyone says, has been almost resolved and many pages have been already filled on it? Yet I decided to go with this manuscript because I wanted to explore why and how the border disputes between India and Bangladesh began. Location of the disputes in the history of Bengal and Assam, and relating it with the present situation attracted me to carry out this study. Second, for many border disputes between India and Bangladesh is over with the execution of the LBA in 2016; but I do not agree with it completely. The main problem between the two countries are the related issues more than the border line. Finally, emotions are always related to the boundaries of two countries. These emotions are innate but sometimes constructed by the stakeholders to exploit them. The above-mentioned question and the stated inquiries created a curiosity to work on and complete this project.

This study is divided into six chapters. Chapter 1 is introduction. Chapter 2 is the study of physical, political and emotional aspects of the border. In most of the postcolonial states, the border line separates the people belonging to the same ethnic groups and sharing the kinship relations. In such cases, the identity of individuals and the groups, often, matters more than their belonging to a territory. On contrary, there have been instances when people have not given importance to their identity instead they prefer to stay at their home. In 1947 many Hindus from Pakistan and Muslims from India did not cross into the other side of the border. Likewise, in 2016 given an option, many remained in Bangladesh rather than adopting India as their 'new home'.

Chapter 3 examines the history of India–Bangladesh border and discuss how the line was created by the British imperialists in 1905 and 1947, respectively. It will also look into the border line constructed in the minds of the people belonging to two different religious groups—Hindus and Muslims. The socioeconomic differences among the two religious groups and reactions against them have been also discussed in this chapter.

Chapter 4 looks into the border issues in post-partitioned British India. The problem erupted soon after India and Pakistan became sovereign countries. The border Commission's work has created certain confusions which the two countries

tried to address through interpretation, reinterpretation and revisits to some of Radcliffe's decisions. To do so, in 1948, India and Pakistan agreed to set up a tribunal under Algot Bagge, a former member of the Supreme Court of Sweden. Yet disputes remained non-resolved. This chapter takes into account this issue and discusses the development of the India–Bangladesh border demarcation since then to the ratification of the LBA in 2015 and beyond.

Chapter 5 deals with the existing problems on the India–Bangladesh border. It looks into how the identity of the immigrants has been constructed differently, over the time. It also looks into the steps taken by the two countries to check the trespassing, and the economic aspects of the India–Bangladesh border.

Chapter 6 is based on the observations from chapters. Here the focus is, mainly, to check the hypothesis.

Note on Terminology and Spellings

Although used as a synonym, border, border and fence are three different geographical terms. The difference between the three has been defined in the second chapter of the book.

In this book, partition means the partition of British India in 1947. At that time the provinces which were directly under the British rule were partitioned and the Princely states were told to join one of the two sovereigns. Earlier, the British offered them an option to decide about their future but as it was not a viable option it was strictly maintained that they had to opt either India or Pakistan.

In most of the sections of this book, Calcutta instead of Kolkata. This is because a large part of the book discusses the history when the city was known as Calcutta.

At many places refugee, immigrants and migrants have been used interchangeably. This is mainly because the terms have been kept on changing in the official documents of the government of India. Definition wise, refugee means people who have sought refuge in other countries because of civil war or violence against them. Migrants are those who go to other country to work. Immigrants are those who go to the foreign country to live permanently.

References

1. Gupta, Ranjit. 2012. Where are India–China Relations Heading? In *Emerging China: Prospects for Partnership in Asia*, ed. Sudhir T. Devare, Swaran Singh, and Reena Marwah, 375–397. New Delhi: Routledge.
2. Ranjan, Amit. 2016. Migration from Bangladesh: Need, Impulses and Exploitation. *The Roundtable: The Commonwealth Journal of International Affairs* 105 (3): 311–319.

3. Gait, Edward. 1926. *A History of Assam*. Calcutta and Simla: Thacker, Spink & CO.
4. Zaheer, Hasan. 1998. *The Separation of East Pakistan: The Rise and Realization of Bengali Muslim Nationalism*, 3. Dhaka: The University Press Limited.
5. Ingersoll, Robert Stewart, and Derrick Frazier. 2012. *Regional Powers and Security Orders: A Theoretical Framework*, 98. Oxon: Rutledge.

Chapter 2
Border: Physical, Political and Emotional Construct

Although the terms border, border and a frontier are often used as synonyms or interchangably, there are differences among them, in both physical and definitional aspects. A border line is more or less an accurately depicted line with precise coordinates and marked by well-known geographical features. It is properly delineated on a map and effectively demarcated on the ground. One can categorize a border into natural border, astronomical or mathematical border and historical border. Often used interchangeably, border refers to a zone of indeterminate width that forms outer most parts of a state that are bounded on one side by a national border.[1] Another similar term, frontier, means a political frontier that divides two states which need not be under the control of either of the two states. Sometimes, frontier is also referred as 'settlements' within a single country.[2]

This chapter discusses various dynamics related with the border.

Defining Border: Beyond a Line

In a physical form, border is a line which separates one sovereign territory from the other. Broadening the definition, Willem van Schendel writes that 'Boundaries are too often seen as spatial fixtures, lines in the landscape, spectators of societies—the passive and pre-given ground on which events take place. But if we think of spatiality as an aspect of social relations that is continually being reconfigured, borders become much more significant. It is here that many countervailing strategies contesting state territoriality are clustered. The struggle between these strategies continually reproduces, reconstructs, or undermines border regions'.[3]

[1] Khalon [1].
[2] Ibid.
[3] van Schendel [2].

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6_2

By separating two sovereign states, a border line also divides the people from the respective states. The construction of people from the two sides of border is such that literatures theorizing on border, borders and frontiers have posited them as a 'dangerous place'. Looking it from the outside, Prem Kumar Rajaram and Carl Grundy-Warr argue that the border seeks to protect the individuals which are within it from the 'polluting' effects of those who are living across it.[4] The migrants who cross the border are regarded as an agent of pollution who pollutes the local ambiance by mixing up with what are regarded as 'pure'. This idea of 'pure' and 'pollutant' give locals a sense of being superior while making the migrants to feel at low always. This sense makes the former to dictate their discriminatory terms over the immigrants. It also makes the immigrants to live in a fearful atmosphere which may include violence against them. The chances of violence are much higher when they are known to have entered through illegal means.

Despite regarded as 'pollutants' immigrants are 'necessary evil' needed by almost all host states. The segmentation of labour market in high-income economies has created demand for low skilled migrant workers in so-called 3D jobs, i.e. 'Dirty, Difficult and Dangerous'. These are the jobs that most nationals are unwilling to do even during the period of high unemployment.[5] This is even when the states are trying to be more protectionists in nature by tightening regulation on their respective borders.

As a physical line, border of any given state is, historically, has not been static; it keeps on changing due to environmental, economic and political reasons. For example, formation of a landmass in the middle of a border river calls for raising the territorial claim of bordering states. Like creation of *chars* between India–Bangladesh rivers stretches the border line between the two states. Likewise, inundation of a *char* shrinks the border of a state. Politically, both transfer of land through agreements and captured after defeating the neighbouring country in a war leads to an increase or decrease in the physical border line of a state. For example, LBA has affected the border line between India and Bangladesh. These changes are neither new nor ordinary affair. From the day the first nation-state was established until the present time, the boundaries of many states have witnessed changes. Not only that even the meaning and definition of border and border have changed since then.[6]

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[4]Datta [3].

[5]International Migration Report 2013, United Nations Economic and Social Affairs Retrieved from http://www.un.org/en/development/desa/population/publications/migration/migration-report-2013.shtml on 14 November 2015.

[6]Birkster [4].

The colonial powers stretched their sovereign control over colonies because of economic reasons. The economic need and obsession for land led to establishment of European imperialism in Asia Africa and American continent. Since the beginning of industrial revolution in Europe in late seventeenth and early eighteenth centuries, there was a rise in competition among the then European powers to expand their respective markets. Their economic necessity or say greed was backed by the military of the respective states. This need and obsession for territories redefined the territorial sovereignty of a state. During the colonial period, states had territories under their sovereign control miles away from their seat of power.[7] Competition between the imperial powers to acquire more colonies had led to two World Wars in 1914–1919 and 1939–1945, respectively.

Friedrich Ratzel has described that race for territory in his organic theory of state. According to organic theory, states are competitive territorial entities vying with one another for control over parts of earth's surface.[8] After the defeat of few European imperialist powers, and pyrrhic victory of some of the others in the Second World War (1939–1945), most of their colonies attained independence. Then after, Cold War (1945–1991) emerged between the two superpowers—the USA and the erstwhile Soviet Union. During the Cold War years, one superpower was always there to check the other and vice versa. After the end of the Cold War and emergence of globalization, neo-colonialism has begun where the multinational corporate houses have become active to grab resources from the other countries. This has changed the character of the developed and also of developing states.

Globalization is based on the principles of neo-colonialism where instead of establishing sovereignty the colonizers eye on controlling the resources of the other states. This race to grab the resources has led to sucessive invasions by a country on the other and rise of internal strife within many invaded/attacked countries. For example, the US attack on Iraq, rise of Islamic States (IS) in Saudi Arabia, civil war in Syria, etc. are examples of it. Besides these, often violent means are used by the neo-colonizers with the help of the local power elites to enter into legal contract to spread their influence over a part of the resourceful region of a country. In most of the cases, the locals resist both invasions/attacks and legal control over their resources. In Iraq, since 2002 the US is fighting war against the people. On opposing the legal control, an example is of Niyamgiri in the Indian state of Odisha where the Vedanta group had successfully got rights from the government of India to explore mines of the region. But the constant protests from the tribals against the project aided by the progressive members of the Indian civil society made the Supreme Court look into the issue. In 2013, after listening to the petitioners from

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[7]Ibid.

[8]Ibid.

both sides, the court in its judgment gave the tribals a right to decide about the mining. Later, in their meetings, all village councils from the region rejected the Vedanta's project.

Border and Security

In all dimensions of security studies, state remains the most important level of analysis. Often the security discourses make one confuse and provides even extra-legal rights to the state which in the name of security even do not shy away from limiting the rights and liberties of its citizens or to keep them under vigil killing their privacy. 'The securitization of an issue brings with it a particular type of emergency politics where the space and time allowed for deliberation, participation and bargaining is necessarily constricted and brings into play a particular mode of thinking'.[9] Security against what and whom is an open-ended question which is being regulated by the managers of the modern state and the dominant group(s). More than often the modern state tries to secure its legitimacy and authority from its own citizens. The security guards and armed police are being deployed at various checkpoints to secure the abstract institutions of the state. The fear is more when there is an uneven distribution of resources. In such a society, the state always fear that the majority may rebel and change the political establishment of the country. Hence, more than to provide security to citizens, it is fear of the state which compels it to maintain instrument of coercion. The fear is being constructed to legitimize the use and maintenance of coercive means by the state. This sort of fear is more in the authoritarian systems. For example, during the Arab Spring in 2010 when there were large-scale protests abruptly erupted against some of the corrupt East African government, in China the People Liberation Army was called on the streets to control any such possibilities in the country.

Theoretically, according to state-centric power politics tradition,[10] there are three approaches to look into security issues—the proximity, utilitarian and the realists. The proximity aspect focuses on the closeness of states which also share their borders. Second one is utilitarian aspects which contends that the border issues are a part of the game of power politics rather than a genuine source of mutual disagreement among the neighbouring states. The third one is the realist aspect which focuses on relative capabilities of the actors.[11] This power politics has been

[9]Columba and Vaughn-Williams [5].

[10]Cited in Hosna [6].

[11]Ibid.

challenged by the scholars who believe in 'issue-based' understanding of security. This determines that some territories have 'higher salience' than others because of their intrinsic characteristics (e.g. economic endowments), and that there are reduced prospects for negotiation, increased chances of conflict, and a higher probability of escalation in 'high-salience territories'.[12] Another school looks at institutional aspects to border. It focuses on military-strategic, economic, constitutive, national identity, ethnonational unity, state building and preservation and domestic-political functions of border.[13]

This state-centric theory of protected border has been challenged by the post-modern trend in border studies emerged during the late 1980s. The post-modern school stresses that as the entire state territory is involved in intensive economic exchanges with other countries, it must take into account the interests of the local and international organizations and actors. For the post-modernist scholars, the function of border is not only as a space which defines sovereignty of the given territory; instead, it is also a space where economic and social interactions between the people across the line must take place. The proponents of this school advocate that the border should not act as a barrier for the people.[14] This school rejects the traditional methods of guarding the border and establishing security with the help of border guards, border fence, etc. It talks about having integrated security measures at the border, mainly, through the modern technology such as 'remote control'.[15] Further, for proponents of a 'borderless world' in the age of globalization, revolution in Information and Communication Technology (ICT) has demeaned the border. Now information can travel faster and easier from one sovereign state to another without any censorship; yes their sharing can be regulated by a sovereign authority. This has been supported because of end of the Cold War in 1991 and the emergence of a New World Order which is being driven by trade.

But an idea and imagination of having 'soft border' or no border at all did not last long. A new enemy- terrorism- was born and security theories proliferated around the world proposing a need for a strong state with a secured border. These new theories developed in the USA and percolated to the other parts of the world after the terrorist attack on 11 September 2001 in New York which led to killing of many innocent American citizens. Aftermath, many literatures were produced on the dangers of terrorism and need for a protective border. It was easy for these ideas to disseminate and accepted in all parts of the world because the knowledge production is being regulated by the sole superpower—the USA. Following it, the states which were earlier talking about benefits of globalization have become more

[12]Ibid.

[13]Ibid.

[14]Roche [7].

[15]Ibid.

security obsessed and started using modern gadgets to protect their territory. The sovereign boundaries have turned into a wall or fenced frontier to closet the territorial space.

To an extent, the fear of terrorism has been sucessfully embeded in the minds of a large number of people from the developed countries because of economic reasons. In the developed world, a group of people have flourished and made profits out of cheap skilled labours from the developing countries. The immigrants from the developing countries work on less salaries in compared to their native counterparts. This has given the companies to make their options between the natives and migrants. Second, to evade taxes and to get further cheap labour, many of the companies from the developed world establish themselves in the developing world. As both have brought economic disadvantages to the working class from the developed world, an attack against the globalization and support for protectionism has increased. In many parts of the world like USA, etc., there have been regular attacks on immigrant labourers. In post-truth politics, both of these ideas have been effectively used by the leaders to win elections in their respective countries.

European countries, one of the early advocates of globalization, suddenly started taking a large number of measures to stop immigrants and refugees entering into their territories. In 2016, the liberal global world which was for the movement of labour got a big jolt when the United Kingdom through a referendum decided to make an exit from the European Union (EU). Earlier the EU has been given an example by all liberals and supporter of 'open borders' to convince the other states to open their borders. Also, the economic effects of the globalization process have caused the emergence of protectionist forces who are against immigration and supports for strong border to stop the movement of people from one country to the other. This was evident during the US presidential elections of 2016 when the President Donald Trump, as a candidate, raised the issue of fencing the US border with Mexico to stop crossing of the Mexicans into his country. His tirades against immigrants paid him electoral gains.

In the age of globalization, a parallel is often drawn between borders and prisons. The 'border-prison' criticism represents the border as a circle of barbed wire around prison states, with border posts imagined as the sandbagged casemates with machine guns, controlling the opening of a barrier between two countries.[16] The old territorial boundaries are not to be only blamed because they are ill-adapted to the challenges of globalization; they are also criticised because the old Westphalian order was exploitation of borders. Another imagined parallel is between border and poverty. This is to support the globalization and free trade. This parallel between border and poverty was developed in the nineteenth century when

[16]Ibid.

liberalism was in its nascent stage. It is based on the hypothesis that international trade was a source of mutual wealth. An example given in its support was that it was in the interest of English people to buy wine from Portugal and in that of the Portuguese to buy their broadloom from England.[17]

Unlike the developed world, the postcolonial countries, despite adopting neo-liberal economic model under diktats of global financial institution, kept their borders partially open or better say almost closed. Economically, the protectionist policies have been adopted to secure the interests of the local population and peripheral bourgeoisie. Politically, most of the postcolonial countries are in a constant disputes with their neighbouring countries over the issue of border demarcation since their decolonization. To ensure that their land does not get encroached, the security has been tightened instead of making the border 'soft'. Also, unlike the developed world, in postcolonial states most of the threats are internal which have their links with external. The roots of both internal and external problems lie in colonial past where the individuals belonging to same group were divided into different sovereign territories. As a result, most of the postcolonial states have plural society which instead of turning into a salad society,[18] to a large extent, is a cause for tensions and civil strife. After decolonization attempts had been made by the respective states to develop a civic nationalism among the groups, but except in a few countries like India,[19] those attempts failed to yield substantive result. By 1960s and 70s,[20] most of them engaged in complex conflicts.[21] Many of these conflicts have died by 1990s but a few are still lingering on. In all these conflicts, past and present ethnic or religious linkages between internal and external groups do play a significant role by providing social, political and moral support to

[17]Ibid.

[18]This connotes an idea of having a multicultural society. Earlier, a term melting pot was used to describe the American society where it was maintained that all identities will melt and only a single identity will remain. But it did not happen. The idea of assimilation includes of political and social forces against the members of the other groups. Unlike it, salad society represents different groups living together in a group with their intact identity, and they also represent a single identity together.

[19]Although partially, India has managed to contain many aggrieved groups and set up a sort of civic nationalism instead of engaging in a civil war which many postcolonial countries have faced.

[20]1960s and 70s were decades of civil movements and internal wars. Many groups in almost all parts of the world, inspired by the left wing literatures, rose against their own respective governments. This was also a decade when Cold War rivalry between the USA and the former USSR led blocks was at its height due to which the aggrieved group present in a state was helped either of one blocks to topple the government supported by the other. In some countries, such groups were created. With the disintegration of the USSR in 1990, many of such conflicts died down because of the absence of a patron who used to provide political and economic support to such groups to carry out war against their government. The USA too had stopped funding such groups.

[21]Chatterjee [8].

what they say to the 'just demands of their cross border brothers'. For example, in South Asia, Pakistan's support to the militants and insurgents in Kashmir valley is based on this logic.

Related to above, a significant reason for the persisting internal tensions among the groups living in a single sovereign territory is the dominant majority's political behaviour have created a feeling of second rated citizenship among the people belonging to minority religious, ethnic or sectarian groups. This causes prevalence of a sense of alienation among the people from the non-dominant groups and peripheral areas. It also led to a feeling of what [9] Tedd Gurr calls relative deprivation. Gurr defined relative deprivation as actors' perception of discrepancies between their 'value expectations' and 'value capabilities'. For Gurr, value expectations are those goods and conditions of life to which people believe that they are rightfully entitled; while value capabilities are those which they think they are capable of getting and keeping. Noting the degree of violence, Gurr maintains that the potential for violence varies with the degree of relative deprivation and its perception among the people who feel that they are being deprived of their entitled values.[22] Over the time, eventually, this situation became prime reason for civil war, especially in a postcolonial country.[23]

Border and Identity: Creation and Construction

Border through imagination and re-imaginations create an identity of an individual or of a group. Examining this character of border, Edward Said writes 'Just as none of us is outside or beyond geography, none of us is completely free from the struggle over geography. That struggle is complex and interesting because it is not only about soldiers and cannons but also about ideas, about forms, about images and imaginings'.[24] It is not only self which constructs an image, but others too impose their imagined or perceived identity over the aliens or whom they consider different. The latter is often one-sided and biased in favour of powerful. Substantiating it, Homi Bhabha referring Franz Fanon maintains that identity is often created through identification of that particular group. It is being done to satisfy or serve interests of the dominant group.[25] Identity is not a permanent entity; it keeps on changing with a change in the perception about self and others due to volatility in the social, political and economic circumstances. This is almost

[22]Gurr [9].

[23]It is Kashmir valley where the anti-India sentiments prevail more than the Jammu region of the Indian state of Jammu & Kashmir.

[24]Said [10].

[25]Bhabha [11].

a normal feature in many postcolonial states where the identity issue is yet to be fully settled. The roots of such confusions and tensions over it lie deep in their history. As usual in other parts of the world too, in postcolonial countries an individual wears multiple identities whose predominance depends on time and space. In past, countries have been carved on the basis of only one identity, and after a gap, suddenly another identity becomes a cause for civil strife in that state. An example of it is Bangladesh which was separated from India on the basis of Islam but soon the Bengalis realized that besides being a Muslim, they have also a different ethnic identity. This caused tensions in East Pakistan which was eventually liberated in 1971 and became Bangladesh.

Boundaries, across the world, and especially in most of the postcolonial states, create two sorts of identity—own living in other territory and, what advocates of theories of nationalism call, enemy or alien others. By former I mean that although people live in a different country, they are regarded as a part of the country because of sharing a similar ethnic or religious identity. The imagination of being a part of a similar group despite living in a different country is often being realized when people meet each other at a common place such as in a religious place to perform certain rituals.[26] This is behind the idea of Islamic Ummah or Christian World which believes that religion unites the followers living in different parts of the world. In the age of terrorism and anti-terrorism discourse, this sort of identity-based imagination by self or others often turns out problematic proposition for the followers of a particular religion who are branded as terrorists because of their birth into that religion. In both cases—uniting the self-group and marking out others—border is not being considered as a denominator. Another similar case is with the diasporas. During the colonial days, many people from the colonies were indentured to countries like Mauritius, Suriname, Guyana, etc. to work. Some of the members from the next generations of those indentured try to maintain some sort of linkages with their ancestral land. This linkage is what post-modernists call, gives them a sense to identify themselves and know who they are? More than the diasporas, it is the non-developed states in the age of globalization need them, especially the rich diasporas living in the western countries. Through a chain of events, the process of re-imagination[27] and bonding with the self-group is being organized by the states to link with their diasporas. This has led to changes in the citizenship

[26] Anderson [12].

[27] The re-imagination of diasporas and non-resident Indians are vivid in the post-globalization Hindi films. Prior to it, anyone coming from western country was shown as a despised and fallen individual who has no respect for so-called Indian values. But after India adopted new economic policy in 1991, there was a marked change in such on-screen presentation of Indian diasporas and NRIs. Since Dilwale Dulhania Le Jayenge in 1995, they are important character in most of the Hindi films. They are being shown following the Indian values and culture despite living in a foreign country for years.

act in many countries. They have started a facility which enables diasporas or immigrants to hold dual citizenship status so that they can remain a part of their ethnic homeland. In India, Pravasi Bhartiya Divas (Diaspora Day) is being organized to link India's diasporas with the land of their forefathers.

In Europe, the idea of nation-state came during renaissance and enlightenment. According to it, states were created for a nation. This was done to avoid sectarian conflicts. In postcolonial states, this logic has not been followed. Earlier, the imperial masters united many groups under a single territory for administrative reasons, and while leaving the countries were created out of a single landmass having uneven distribution of religious and ethnic population. As a result, most of the postcolonial states are plural which makes them constantly engaged in civil war. This is a reason for ethnic strife in most of the states in the African continent. In many such countries, the ethnic groups from the neighbouring countries play a significant role in continution of fightings by providing moral, political and material help to their co-ethnic group. In South Asia, one such example of constant interference because of ethnic bonding is Afghanistan. It is perhaps the only state in the world that has majority of the ethnic groups that comprise it living across the borders of neighbouring states to position themselves better against their local competitors. The neighbouring states have used these dependency linkages with Afghan social groups to play their miniature 'great game' in the region.[28]

The British India was partitioned by the British in 1947 on the basis of religion, yet a small number of Hindus remained in Pakistan and a percentage of Muslims preferred to live in India. This distribution or choice of homeland in 1947 is still being debated. The communal riots are frequent because of many unsettled questions of shared past. Many times, the minority community is being alleged for taking guidance or working as an agent of the neighbouring country. This is an almost every day test through which Muslims in India and Hindus in Pakistan and Bangladesh come across. The India–Pakistan situation was described as a 'hostage theory'[29] according to which member of other community was kept as a hostage in the two respective states so that in future attacks on the Muslims in India or Hindus in Pakistan can be revenged by attacking those minorities in the respective states. To a large extent, this 'hostage theory' was not more than a conspiracy theory based on rumours.

In 1947, another, though insignificant, reason which made many Hindus to remain in Pakistan and Muslims in India was problems related with accommodation of a large number of people, especially in East Pakistan. Sheikh Mujibur Rahman, founder of Bangladesh, mentioning about his conversation with the then head of East Pakistan Husyen Shaheed Shurwardhy, writes that 'When you (Mujib) go back

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[28]Rais [13].

[29]See Moore [14].

to your country (Pakistan) try to ensure communal harmony. If there is trouble in East Bengal it will be catastrophic. Try to ensure that the Hindus don't flee Pakistan. If they are forced to come here (India) they will stir up trouble and that will result in an exodus of Muslims to East Bengal. If all the Muslims of West Bengal, Bihar and Assam leave for East Bengal, it will be difficult to protect Pakistan, especially East Bengal. I know very well you won't be able to accommodate so many people'.[30]

In Bangladesh, Hindus are religious minority. Many of them still consider India as the land of their ancestors and origin. Likewise, the Hindu rights groups in India and the Hindu nationalist party—Bhartiya Janata Party (BJP)—too view them as a part of their religion living in a different territory. Often the political party and the Hindu groups express anguish over attack on the Hindu minority in Bangladesh, ransacking of temples and grabbing of their properties in Bangladesh. After coming into power in 2014 in India, the BJP has called on for stopping such attacks on the Hindus in Bangladesh.[31] In 2016, after one such incident of attacks on the Hindu community in Bangladesh, leaders of Hindu community in Bangladesh under Bangladesh Hindu–Buddha–Christian Oikya Parishad had a meeting with the Indian High Commissioner to Bangladesh in Dhaka. The minority community leaders informed the high commissioner about the repression of religious minorities.[32] Talking to media after that meeting, the leader of the group said that 'I believe he [High Commissioner of India to Bangladesh] would brief his foreign secretary about the situation the religious minorities in Bangladesh are faced with'.[33] Their words were substantiated by a report from the minority rights body which at a press conference on 22 April 2016, the minority rights body in Dhaka claimed that 10 religious minority people were killed, 366 injured and eight women were raped across the country in the first 3 months of 2016. The report titled 'Human Rights Situation of Minorities in Bangladesh—Jan–March 2016', further maintained that the minorities are intimidated and threatened by the perpetrators by using political power and influences against them.[34] Before the report, on 5 March 2016, the Oikya Parishad in a press conference claimed that around 24 religious minorities were killed and 1,562 families were affected in 262 incidents of attack and repression in 2015.[35]

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[30] Rahman [15], pp. 87–88.

[31] 'Minority Repression likely on Agenda' (2016, 12 May) *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/minority-repression-likely-agenda-1222426. Accessed on 13 May 2016.

[32] Ibid.

[33] Ibid.

[34] Ibid.

[35] Ibid.

For Hindu rights groups, India is a land of Hindus around the world. To substantiate it, they have constantly put pressure on the successive governments of India to make space for Hindus from Pakistan or Bangladesh in India. In 2016, Narendra Modi-led NDA government introduced the citizenship amendment bill in the parliament. This bill aims to amend the existing clause in the Indian Citizenship Act, 1955. It has an objective to make the migrants who belong to such as Hindu, Sikh, Buddhism, Jainism, Parsis and Christianity from the countries like Afghanistan, Bangladesh and Pakistan, eligible for citizenship in India.[36]

However, sharing similar identity, necessarily, is not a guarantee to change in behaviour at border. It is one of the determinants which brings the two countries closer to each other. It has to be also realized that the modern state is also a rational actor whose primary concern is to secure its citizens. To carry out this important task, often, the state engages in a dispute with its neighbour which is also inhabited by people sharing similar ethnic and other identities. Both India and Nepal are Hindu majority countries and also share close relationship between people from two countries. The close kinship leads to intermarriage among people from India and Nepal. In 2015, customary arrangements which glue kinship bonding received a jolt. The Nepalese constitution which was promulgated in September 2015 had abolished an earlier provision according to which Indian women marrying Madhesi men could relinquish Indian citizenship and take their husband's citizenship along with jobs in the country.[37] There were a few other such provisions over which internal agitation began in Nepal. India supported the agitators. India, as alleged, blocked the supply of basic goods to landlocked Nepal from crossing its territory. The political situation improved after the government under K. P. Oli showed interests to carry out amendments to those provisions.

Enemy or alien others are, mainly, those who are from different religious or ethnic groups. They may live within the sovereign border or across it. In most of the postcolonial countries inter group violence are frequent and discriminations against the groups considered as other can be easily visible. They become more vulnerable when they live as immigrant or take refuge in the other country. Derogatory words are being used for them which reflects their status and sometimes 'hatred' against them. In the border region of India and Bangladesh, the Bangladeshi migrants are derogatorily known by many names. In north-east and West Bengal, they are derogatively called *Miya* or *Musalman* (Muslim). The two words are used in dergoative sense to show they are others instead of a mark of their religion.

The identity of being a migrant or refugee without legal documents and belonging to a minority community further adds to the degree of vulnerability. The level of such atrocities multiply if that individual is a woman because she faces

[36]Citizenship Amendment Bill 2016, Government of India. Retrieved from http://www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348/. Accessed on 12 December 2016.

[37]Malhotra [16].

social, economic and sexual exploitation both by men from her own and other group. In India–Bangladesh border town of Malda, there were many migrants. A Hindu resident from Malda where there are pockets of Bangladeshi migrants informed me that his first sexual intercourse was with a young Bangladeshi girl whom he knew would never make any complaint because if she does she and her family would be further exploited by the police.

Take a case of Rohingya Muslims from Myanmar. Since the start of state-backed military violence against them in 1970s, many of them have left their homeland and crossed into the Bangladesh side of the border. A large number of them have also sought refuge in other parts of Asia. The recent spate of violence against the Rohingyas was carried out from August 2017, after a militant group Harakah-al-Yaqin, also called as Arakan Rohingya Salvation Army (ARSA)[38] carried out, simultaneous, attack on 30 police posts and an army base in Maungdaw, Buthidaung and Rathedaung townships in the northern side of the Rakhine state of Myanmar in which 12 security personals and officials, and 77 insurgents were killed. Due to post-attack military operations, millions of Rohingyas were once again forced to seek refuge in Bangladesh. In Bangladesh, most of the Rohingyas live in camps in Cox Bazar. In those camps, they face violence from the locals. About this, the United Nations High Commission for Refugees (UNHCR) in its 2016 report have reported cases of abuse, including rape, assault, and domestic violence, deprivation of food, arbitrary detention and documentation problems. The report stated that from January to September 2016 about a total of 168 cases of sexual and gender-based violence in the two official camps have been reported. This includes 129 cases of domestic violence and 14 cases of rape.[39] Referring the International Organization for Migration report, the UNHCR mentions that in June 2016, 53.5 percent of the surveyed Rohingyas living in makeshift settlements also experienced some of the other forms of violence. Out of the total, 50.5 percent said that they experienced physical violence, 6.5 percent said that they experienced sexual violence, 3.8 percent registered for and 2.8 percent said that they experienced food deprivation.[40]

Despite the above-mentioned aspects of identity formed due to border, demarcation is welcomed by the stateless people who do not have a border or forced to live in a constricted territory. Due to existing disputes over demarcation of border line between India and Bangladesh, people residing in disputed territories were regarded as stateless. They had to depend on their own selves and denied from

[38]On 25 August 2017, the group was declared as terrorist organization by the government of Myanmar. See 'Arakan Rohingya Salavation Army (ARSA) declared as Terrorist Group' The Republic of the Union of Myanmar, State Counsellor Office. Retrieved from http://www.statecounsellor.gov.mm/en/node/968.

[39]'Bangladesh 2016 Human Rights Report 2016' US Department of State. Retrieved from https://www.state.gov/documents/organization/265744.pdf. Accessed on 2 October 2017.

[40]Ibid.

various state-led social welfare programmes for their citizens. Once the demarcation done, the stateless people from 162 enclaves became citizens of either India or Bangladesh. In June 2015 after the ratified documents were exchanged and the LBA came into implementation in many enclaves, which became part of India, people celebrated Independence day by unfurling the Indian tricolour. The residents of those enclaves were happy that they now have an identity to tell, and they would receive the related benefits of the Indian citizenship.[41]

Border: An Emotional Line

With border, an individual or collective memory is related. For most of those having ethnic or kinship relationship with people across the line the border, border and borderlands work as important sites where the link between collective memory and territory, community and place, 'blood and soil' can be established.[42] The borders also involve in reproduction and transformation of memories of those living and linking themselves with the other territories.[43]

The borderlands are not marginal places but central sites of power where the meaning of national identity is created and contested. It is particularly in the borderlands that the memorial landscape can be seen as an arena 'for social actors and groups to debate and negotiate the right to decide what is commemorated and what version of the past will be made visible to the public'.[44] National borders are not just demarcation lines between national 'cultures of remembrance' but an important factor directly involved in their reproduction and transformation.[45] Further, collective memories, historical narratives, myths and symbols are usually attached to a particular territory making it unique and indispensable for certain group. The construction of 'national homelands' in the modern era re-establishes this deep symbolic connection as a central axis of nation building.[46] Not by accident, the attempts by elites to appropriate and control national history go hand in hand with claims for 'ethnic lands'. Borderlands are central in this process as they are often contested by neighbours, become an object of political and military expansion, or a site of ethnic conflicts.[47]

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[41]Chisti [17].

[42]Zhurzhenkho [18].

[43]Ibid.

[44]Zhurzhenkho, Tatiana [18] Borders and Memory. In Walter, Doris Wastl *The Ashgate Research Companion to Border Studies*. Furnham: Ashgate Publishers pp. 11–32

[45]Ibid.

[46]Ibid.

[47]Ibid.

This emotional attachment towards the border has always been a case with those who moved away from their home or forced to do so as a result of partition of India in 1947. Many among the first generation of the migrants who crossed into India or Pakistani side of the border always identified themselves as a part of their 'original homeland' by calling their adopted place as a 'foreign land'. This is because in the conscience of an individual, a home is always the land where he was born and grown up. This makes him familiar with the local ambience, and imagine that the 'self' is part of it. All such formations about the 'self' develop before religion or ethnic identity subsume them. The communal violence displaces individuals and may create a communal identity of a self and the other, yet the sense of belongingness and attachment to the 'homeland' remains. This is a reason why even after facing brutality from their neighbours during communal violence, the displaced individuals memorized their land and defines it as 'own' land. During partition of India, many Hindus and Muslims witnessed violence and left or displaced to the new territory so that they could live with the people belonging to same religious groups. But for many, their 'homeland' remained in subconscious which they memorized it occasionally. They always consider the border line as a wall which they cannot cross to go to their 'home'. There are many such examples to it. Professor Ishtiaq Ahmed writes that after the death of Ramanand Sagar, 'when I met his family in Mumbai, Mrs. Sagar, a simple lady from the walled city of Lahore said to me: "*Mulk tey saadha Lahore hee hai. Etthey te assi pardesi hee aaN*" (Our homeland is Lahore after all. Here, we are just strangers)'.[48] For them, border symbolizes as a line across which they have their home where they cannot go because once their own land has now become an alien to them. However, it cannot erase one's memory about the 'home'. It is always there in one's imagination. On 19 December 2016, on her Facebook wall, talking about her mother who is about 80 years old, Saba Dewan, writes '"How far is Lahore from here?" Mummy asks the BSF sentry posted one km from Wagah border. He has just informed us that we cannot proceed further. Traffic to the border is allowed only after 2.30 pm and it is just now only a bit past 11 am. The jawan informs my mother that Lahore is 23 km away. "i want to go to Lahore" Mom says and bursts into tears. "i want to go home"'.

Likewise, Bengal border too have similar relationships with the people who crossed it in 1947 and in 1971. Debjani Sengupta's *Mapmaking: Partition Stories from Two Bengals* is a collection of many such partition-related tales.[49] Some of the narratives have been also narrated by the author in her other work titled *The Partition of Bengal: Fragile Borders and New Identities*.[50] However, after the

[48]Ahmed [20].

[49]Sengupta [21].

[50]Sengupta [22].

formation of Bangladesh in 1971, it is easier for refugees of 1947 from the two sides to cross into the other side and visit their 'home' across the border.

On contrary, despite such feelings, many do not want to see their 'home'. This is mainly because the emotions attached with it. They do not want to re-visit the past and get into their memory which is a painful process. In 2014, during my interaction with an owner of Lahore Music House in Daryaganj in New Delhi, he stated that he did not try to go to Lahore because he did not want to remember that past of his family. Narrating his story and about his family, the 75-plus-year-old owner of the shop started weeping like a child. It seems that tears created ways to flow what was inside him for years as catharsis. The memories remain in conscience of individuals and sometimes in a subconscious state. They find reflections often, but when they are allowed to come out at full, it is painful. To avoid that pain, many do not want to discuss about their lost places and 'home', although they always imagine the things and activities around those places. In their imagination, they also try to compare their 'own' spaces with the places adopted by them. In most of such cases of comparisons, they conclude them as better because those are 'own'. This is a case not only with the displaced or dislocated people but also with the migrants and immigrants.

Many of the stories of such emotions have found space in the forms of literature, art, cinema, etc. But they represent the stories of the elites only and not the others especially the Dalits (untouchable). This is because, as Franz Fanon said *a negro is negro* no matter wherever he goes. Likewise, untouchables remain untouchable despite their change of religion or extending support to non-Hindu political group. The historiography of history is tilted in favour of elites with a few interventions from subaltern in recent years.[51] Many of the Hindu Dalits crossed into India with no social network, poor economic condition and with almost no guarantee that their social status would improve in the new land. Like in their 'own' land here also they remained at same social position. A substantial number of them remained at their places. Due to lack of adequate research on why they did not move across Indian border, many myths have been created about it. During my visit to Lahore in December 2013, I met members of scheduled caste members known as Valmiki in both India and Pakistan. I asked an old man there, who witnessed the frenzy of partition in 1947: what stopped you and your family members from moving into India in 1947? He said 'this is our land, land of our forefathers why should we had left. We preferred to die instead of going to live in others land'.

Looking on India–Bangladesh border settlement, on 1 August 2015, after completion of all formalities, India and Bangladesh started the process of swapping of 162 enclaves—tiny pockets of adversely possessed land. This was the beginning of the end of the decades-long stateless existence of about 52,000 people. These

[51]Kaur [23].

people were given a choice to opt for their state. The Indian authorities in Bangladesh had issued travel passes to former enclave dwellers who opted to become Indian citizens. The holders of travel passes were able to travel to India from 1 November to 30 November through Chilahati–Holdibari border point after getting visa stamps on their travel documents from the Bangladesh authorities. All the travel pass holders were supposed to completely relocate to India by 30 November. In the meantime, they could sell their immovable asset after receiving permission from the local administration and carry their money (Bangladesh taka) to India. There they could exchange their taka into the Indian currency.[52]

In the first batch, 989 people from former Indian enclaves surrounded by Bangladeshi territories chose to be Indian citizens. In some cases, a few of them changed their mind in last hour. For example, 305 people from the two of the former enclaves in Kurigram signed up for an Indian citizenship during the India–Bangladesh joint survey between 6 and 16 July 2015. However, a few days before the scheduled date of crossing into the other side of the border, 70 of them made an appeal to the district administration to grant them a permission to live in Bangladesh.[53] In the second batch, 120 more entered into India. This is out of 37,000 people living in Indian enclaves in Bangladesh. This was far below from expectation made by the Indian authorities. On the other side, 14,000 people living in Bangladeshi enclaves in India stayed in India.[54] To adopt an expected numbers of 30,000 new citizens into India, the Union government of India had provided Rs. 3,008 crore (30 billion) to the state government of West Bengal for their rehabilitation. About the money disbursed, Union Minister of External Affairs, Sushma Swaraj, said that the West Bengal government was satisfied with the amount of money. The disbursed amount had a component of fixed expenditure of Rs. 775 crore (7.75 billion) planned to spend on infrastructure building, and a variable component of around Rs. 2,234 crore (22.34 billion) [55] for various other purposes related to the settlement of the new citizens.

Economically, the people's decision to remain in Bangladesh instead of choosing India may be because in South Asia, Bangladesh is ahead of India in providing social security to its citizens. According to the Social Progress Index report, 2016 prepared on the basis of a study made in 133 countries. Bangladesh is

[52]'India Hands Over Travel Passes', *The Daily Star* (2015, 8 September). Retrieved from http://www.thedailystar.net/backpage/travel-passes-handed-over-139579. Accessed on 9 September 2016.

[53]'120 more to go'. *The Daily Star* (2015, 23 November). Retrieved from http://www.thedailystar.net/frontpage/120-more-go-india-176623. Accessed on 25 November 2015.

[54]Security, a prime concern after enclaves exchange *The Hindu* 2015, 2 August. Retrieved from http://www.thehindu.com/news/national/indiabangladesh-land-boundary-agreement-security-a-prime-concern-after-enclaves-exchange/article7491756.ece. Accessed on 3 August 2015.

[55]Parliament passes bill to settle 41-year-old border issue with Bangladesh. (2015, 7 May). Retrieved from http://www.tribuneindia.com/news/parliament-passes-bill-to-settle-41-yr-old-border-issue-with-bangladesh/77472.html. Accessed on 9 May 2015.

ahead of India in providing nutrition and basic medical care, personal safety, health and wellness, and tolerance and inclusion.[56] According to the report, in the fields of providing nutrition and basic medical care to its citizens, only a few countries had performed well, and Bangladesh is one of them.[57] The relationship one has with his/her land and surroundings always act as a significant factor to stop one from moving to what one perceive as an other's territory.[58]

Contrary to people, state is an absolute, emotionless and abstract entity; it keeps on challenging the emotional reasons for crossing the border through arms laced security personnel. Border in Foucauldian sense of disciplinary power is manifested through 'panopticonism'.[59] Strict measures and coercion are being used to throw away the enemy others and under the grab of it sometimes, they also push their own 'unwanted' citizens on the other side of the border. The behaviour of state is being represented by the people who are a part of its institutions. Everyday, 200,000 personnel from the Border Security Force (BSF) guard India–Bangladesh and India–Pakistan border.[60]

About the behaviour of border guards on India–Bangladesh border Malini Sur writes: 'National security and border-enforcement agencies in India constantly underscore the challenges and the near impossibility of deporting "illegal Bangladeshis" who are imagined as arriving in India surreptitiously and taking advantage of ethnic, religious and linguistic affinities to acquire citizenship. In the decade of the 1990s a programme of aggressive eviction and deportation known as "Operation Pushback" was devised. It was mostly directed at Bengali-speaking Muslims and Bangladeshis living in squatter settlements in New Delhi. These deportations drive landed many "suspected Bangladeshi" immigrants in the 300 yards border zone between the two states and also entailed the harassment of impoverished Indian Muslims'.[61] Describing the structures at the border, she further writes: 'Along the international border in India, are ad hoc deportation checkpoints called "pushback" centres. The physical pushing out of suspected Bangladeshi foreigners from India and Bangladesh's strategy of refusing them entry into Bangladesh lead the politics of territoriality at the India–Bangladesh border zone at an official level. These struggles also reflect the ambiguity of border identities at the India–Bangladesh borderland, where neither citizenship nor migrant illegality can

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[56] Bangladesh on Social Progress Index: A top performer in nutrition, basic medicare (2017, 4 January). *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/bangladesh-social-progress-index-top-performer-nutrition-basic-medicare-1339990. Accessed on 4 January 2017.

[57] Ibid.

[58] 'We Were in the dark' (2017, 19 January). *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/we-were-the-dark-1347436. Accessed on 18 January 2017.

[59] Sarma [24].

[60] Kumar [25].

[61] Sur [19].

be easily established'.[62] Despite all forms of vigil, people do cross into the other side of border because of multiple factors. This requires a risk which the people from borderland area do take even at the cost of their lives. Delwar Hussain in his book *Boundaries Undermined* has sketched out a few reasons and incidents of such crossings by people from the borderland regions of the two countries.[63]

Conclusion

Globalization has tried to end the relevance of the political and territorial borders, but it could not attain success because of the rise of forms of threats. Some of the threats were already existing there but 'recognized' only after 9/11 when the US was attacked by the members of the global terror outfit—Al Qaida.

In economic sense, borders had been also given importance because of large number of immigration from developing countries to the developed countries. Earlier in 1950s–60s, many people from the erstwhile colonies were imported to the European countries to do work in construction and other related sectors. They were also made to do menial jobs which the European citizens would shy away from doing. But as the works finished, restrictions were imposed on the immigration of semi-skilled or non-skilled labourers to those countries. In late 1980s or early 1990s, as knowledge-based economy boomed, the developed world re-started importing skilled labourers from the developing world to regulate pattern of global economy. The protectionists were criticised by the corporate houses. A few also started making investments in the countries having skilled labourers so that they can earn more profit. This created a problem in the form of rise of unemployment in the developed world which has made the protectionists to establish their footholds. They demand fencing of borders, return of immigrants, etc. This trend is continuing in almost all developed counties.

The situation is complex in the South Asia because of continued rivalries and related problems between the countries sharing their borders. To ease situations on their border, India and Pakistan started retreat ceremony which takes place every evening on the Wagha border between the two countries; instead of playing a positive role, the ceremony has turned into a day-to-day event to valorize nationalism between the Border Security Force and Pakistan Rangers. In 2015, this ceremony was also extended to the India–Bangladesh border.

[62] Ibid.

[63] Hussain [26].

As maintained in this chapter, in the partitioned South Asia, border is also an emotional space distancing one from one's 'home'. The partition-related violence made many to flee from their homes to take shelter in a country which was alien to them. Initially, some thought to return to their home, once situation become normal but a border was drawn. Many reluctantly settled down in their adopted country, some among them still feel that their original home lies somewhere else. This is vivid in the memories of the first generation of the migrants.

References

1. Khalon, Ranjit Singh. 2014. *India–China Boundary Issue: Quest for Settlement*. New Delhi: Pentagon Press.
2. van Schendel, Willem. 2009. *A History of Bangladesh, Cambridge*, 9. New York, New Delhi: Cambridge University Press.
3. Datta, Antara. 2013. *Refugees and Borders in South Asia: The Great Exodus of 1971*. London and New Delhi: Routledge.
4. Birkster, Thomas J. 2013. State, Sovereignty, and Territory. In *Handbook of International Relations*, ed. Walter Carlsnes, Thomas Risse, and Beth A. Simmons, 245–272. New Delhi: Sage.
5. Columba, Peoples, and Mike Vaughn-Williams. 2010. *Critical Security Studies: An Introduction*, 82. Oxon: Routledge.
6. Hosna, Jahan Shewly. 2008. Border Management and Post 9/11 Security Concerns: Implications for the India Bangladesh Border. Dissertation Submitted in Fulfilment of Requirements for Master of Arts in Geography Department, University of Durham, 2008, 27–28. Retrieved from etheses.dur.ac.uk/2231/. Accessed on 12 Mar 2015.
7. Roche, Jean-Jacques. 2014. Walls and Borders in a Globalized World: The Paradoxical Revenge of Territorialization. In *Borders, Fences and Walls: State of Insecurity?* ed. Elisabeth Vallet, 105–116. Burlington: Ashgate.
8. Chatterjee, Partha. 1993. *Nations and its fragments: Colonial and Post-Colonial Histories*. Princeton: Princeton University Press.
9. Gurr, Tedd Robert. 1970. *Why Men Rebel*. Princeton: Princeton University Press.
10. Said, Edward. 1993. *Culture and Imperialism*, 6. London: Vintage.
11. Bhabha, Homi K. 1994. *The Location of Culture*. Oxon: Rutledge.
12. Anderson, Benedict. 2015. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. Jaipur, New Delhi: Rawat Publications (2015 edition).
13. Rais, Rasul Baksh. 2011. Afghanistan: A Weak State in Path of Power Rivalries. In *South Asia's Weak States: Understanding the Regional Insecurity Predicament*, ed. T.V. Paul, 195–219. New York: Oxford University Press.
14. Moore, R.J. 2001. Jinnah and the Pakistan Demand. In *India's Partition: Process, Strategy and Mobilization*, ed. Mushirul Hasan, 160–198. New Delhi: Oxford University Press.
15. Rahman, Sheikh Mujibur. 2012. *The Unfinished Memoirs*, 88. New Delhi: Penguin Books.
16. Malhotra, Jyoti. 2015. Troubled Transition. *India Today Web Report*. Retrieved from http://indiatoday.intoday.in/story/troubled-transition/1/516255.html. Accessed on 6 Nov 2015.
17. Chisti, Main Uddin. 2015. Joyful Enclaves Toast 'Independence'. *The Telegraph*. Retrieved from https://www.telegraphindia.com/1150607/jsp/nation/story_24411.jsp#.WH2nzdL5jIU. Accessed on 17 Jan 2017.
18. Zhurzhenkho, Tatiana. 2011. Borders and Memory. In *The Ashgate Research Companion to Border Studies*, ed. Doris Wastl Walter, 11–32. Furnham: Ashgate Publishers.

19. Sur, Malini. 2012. Bamboo, Baskets and Barricades: Gendered Landscapes at the India-Bangladesh Border. In *Transnational Flows and Permissive Polities: Ethnographies of Human Mobilities in Asia*, ed. Barak Kalir, and Malini Sur, 127–150. Amsterdam: Amsterdam University Press.
20. Ahmed, Ishtiaq. 2016. The Punjabi Contribution to Hindi Cinema-VIII. *The Friday Times*. Retrieved from http://www.thefridaytimes.com/tft/the-punjabi-contribution-to-cinema-viii/. Accessed on 4 Jan 2017.
21. Sengupta, Debjani. 2011. *Mapmaking: Partition Stories from Two Bengals*. New Delhi: Amarlysis.
22. Sengupta, Debjani. 2016. *The Partition of Bengal: Fragile Borders and New Identities*. New Delhi: Cambridge University Press.
23. Kaur, Ravinder. 2007. *Since 1947: Partition Narratives among Punjabi Migrants of Delhi*. New Delhi: Oxford University Press.
24. Sarma, Bikash. 2013. Space and Territoriality: Borderscapes and Borderlanders of Chars. *International Studies* 50 (1 and 2): 92–108.
25. Kumar, Abhinav. 2017. The Constable Laments. *Indian Express*. Retrieved from http://indianexpress.com/article/opinion/columns/bsf-tej-bahadur-yadav-army-video-29th-battalion-.4477547/. Accessed on 18 Jan 2017.
26. Hussain, Delwar. 2013. *Boundaries Undermined: The Ruins of Progress on the Bangladesh-India Border*. London: Hurst Publishers.

Chapter 3
Drawing a Line Between Two Bengals: History and Politics

Historically, there is an evidence of settled agricultural communities in Bengal before 1500 BCE.[1] With the beginning of a settled agriculture society in the region and production of rice, as one can understand, the history of Bangladesh begins.[2] The Bengal delta's productive agriculture made it possible for socially stratified and economically diversified societies to develop since early days. On the early history of Bengal, Willem Van Schendel writes 'The early history of state formation in the Bengal delta can be described as a continual emergence and decline of local and regional politics that only occasionally became integrated into large realms. It is often unclear how firm such integration was, how it affected local power holders and what it meant for the population at large. The evidence is fragmentary, however, and it would appear that the western delta (now West Bengal (India) and western Bangladesh) was more often part of large states than the eastern delta'.[3] After the formations of the states in ancient India, most parts of the Bengal were ruled by the Hindu kings. The rise of Buddhism in India and its growing influence in sixth century BCE saw the rise of some of the Buddhist states in Bengal. Like other parts of ancient India, in Bengal too there were contests between the Hindu and Buddhist rulers to gain prominence. Prominent empires in Bengal were of Gauda Kingdom, Buddhist Pala Empire (Eighth–eleventh century) and Hindu Sena Empire (Eleventh–twelfth century).

In medieval India (Eighth century to 18th Century), the invasion of Islam and Muslim kings from north had its late impact in Bengal. A general from Khilji tribe, Malik Muhammad Bakhtyar Khilji, was the first Muslim ruler to capture an important seat of power in Bengal after defeating Lakshamsena of Nabadwip in 1201. Afterwards, many Muslim rulers ruled over different parts of Bengal. In 1757, the East India Company (EIC) consolidated itself in Bengal as a result of the battle of Plassey in which Nawab Siraj-ud-Daulah was defeated. The Nawab was

[1]Schendel [1].
[2]Ibid.
[3]Ibid.

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6_3

ditched by his general Mir Jafar. The Company rule further strengthened in Bengal after the Battle of Buxar in 1764. There the Company forces defeated the combined forces of Mir Qasim, the Nawab of Bengal, Shuja ud Daullah, Nawab of Awadh, and Mughal emperor Shah Alam. Although the EIC attained power, it attained direct control over Bengal, only by 1854. After suppression of the soldiers' mutiny of 1857, like other parts of India, Bengal too came directly under the British monarchy. Since the British showed a lot of interests in Bengal, they set up colleges to train people for clerical jobs in their offices. Those educational trainings trained the first generation of anti-colonial leadership in India. Also, it helped in an early modernization of Bengal.

There is a debate that as the anti-imperialist movement became strong in Bengal, the British divided it on the basis of religious demography of the province to weaken it. This may be true but it is an inadequate explanation. Prior to the division of Bengal in 1905, the British imperialists had a plan to divide Bengal for administrative reasons but could not found a support from the majority numbers of British officials. In 1905, the rising tide of nationalist movement made those officials to persuade the others to accept the plan to divide Bengal into two parts. Hence, the division was done to achieve both objectives—administrative easiness and division of people on religious basis to weaken the then ongoing nationalist movement in the region.

The division of Bengal in 1905 is known as first partition while partition of 1947, as a result of India's partition, is called as the second partition of Bengal. The demarcation of two Bengals during both divisions were almost on similar lines, territorially and religiously. In 1971, same landscape became Bangladesh, after it got liberated from Pakistan. In both 1905 and 1947, the basis of partition was religion while in 1971 it was language, culture and ethnic factors. This chapter discusses the two partitions of Bengal. The questions addressed will be why Bengal was partitioned in 1905? What were considerations taken into account while partitioning Bengal in 1947? And how effective the two partitions were in creating religious division?

Partition of Bengal 1905: Administrative Necessity or Religion Based Division of Population

In 1905, reason which, as the British justified, guided decision[4] to partition Bengal was that the undivided province with an area of 189,000 square miles and a population of 79 million was said to have become ungovernable. However, the real objective behind the decision was to weaken further the tenuously existing religious

[4]As cited in Sarkar [2, p. 13].

unity between the Hindus and Muslims during the then ongoing *Swadeshi* movement (1905–1911).[5]

Examining the then situation Sumit Sarkar writes that 'the political objective of the colonial administration was pre-emptive: to disrupt what was seen as a growing nationalist opposition led by the Hindu middle classes'.[6] This can be substantiated from the words of the Secretary of State H. H. Risley, who put it as: 'Bengal united is a power; Bengal divided will pull in different ways…..One of our main objects is to split up and thereby weaken a solid body of opponents to our rule'.[7] The motive behind the division of Bengal was stated clearly by Lord Curzon, the then Viceroy of India (1898–1905). On 17 February 1904, in a letter to Secretary of State, George Hamilton, Curzon writes[8]: 'The Bengalis, who like to think themselves a nation, and who dream of a future when the English will have turned out, and Bengali Babu will be installed in Government House, Calcutta, of course bitterly resent any disruption that will be likely to interfere with the realization of this dream. If we are weak enough to yield to their clamour now, we shall not be able to dismember or reduce Bengal again; and you will be cementing and solidifying, on the eastern flank of India, a force already formidable and certain to be a source of increasing trouble in the future'.

In an another letter on 2 February 1905 to Secretary of State, Viscount Morley, Curzon pointing out on the growing strength of the Congress in Calcutta wrote[9]: 'Calcutta is the centre from which the Congress Party is manipulated throughout the whole Bengal and indeed the whole of India. Its best wire-pullers and its most frothy orators all reside here. The perfection of their machinery and the tyranny which it enables them to exercise are truly remarkable. They dominate public opinion in Calcutta, they affect the High Court, they frighten the local government, and they are sometimes not without serious influence upon the Government of India. The whole of their activity is directed to creating an agency so powerful that they may one day be able to force a weak government to give them what they desire'.

This plan to divide Bengal was opposed by the Indian National Congress (INC). Stating his opposition to Bengal division, INC leader, S. N. Banerjea wrote that 'We felt that we had been insulted, humiliated and tricked. We felt that the whole of our future was at stake and that it was a deliberate blow aimed at the growing solidarity and self-consciousness of the Bengalee speaking population. Originally intended to meet administrative requirements, we felt that it had drawn to itself a political flavor and complexion, and, if allowed to be passed, it would be fatal to our political programme and to that close union between Hindus and Mohammedans upon which the prospects of Indian advancement so largely

[5]Swadeshi movement was led by the Indian National Congress. Its objective was to boycott anything which was foreign and adopt the Indian. It was a peaceful movement.

[6]Sarkar [2].

[7]Ibid., p. 17.

[8]Saxena [3, p. 88].

[9]Ibid., p. 89.

depended'.[10] Another important leader from Bengal, Bipin Chandra Pal, unfurling the real motive for carrying out the division of Bengal, stated that 'The measure was carried out with almost an indecent haste, and the reason of the haste was this-Judging from the past experience of Indian political life and agitation, the Government of Lord Curzon evidently believed, that as long as the measure was not carried out so long only would this agitation continue. But once it became a "settled fact" the agitation also would quietly, like all previous agitations more or less settle down. That was the prognosis which the acute victory made of the situation'.[11]

Opposing the division of Bengal, the INC passed a resolution XII at its Banaras session in 1905. The resolution said: 'That this long records its earnest and emphatic protest against the repressive measures which have been adopted by the authorities in Bengal after the people there had been compelled to resort to the boycott of goods as a last protest and perhaps the only constitutional and effective means left to them of drawing the attention of the British public to the action of the government of India in persisting in their determination to partition Bengal in utter disregard of the universal prayers and protest of people'.[12]

Even if it was for the administrative reasons, the decision of 1905 was a step-by-step process to divide Bengal. For the first time, its probability was discussed after the famine in present Odisha (then part of Bengal presidency) in 1866. After the famine, Sir Stafford Northcote suggested for taking administrative measures to reduce the size of the vast presidency of Bengal (which then included a part from Bengal proper, the whole of Bihar, Orissa and Assam). This, Northcote suggested, would make the administrative works efficient to meet famine like situations and other contingencies. Later, this administrative efficacy became a reason to separate Assam from Bengal and constitute the former as a Chief Commissioner's province. During the transfer of areas, mainly, based on language, Sylhet, a predominantly Bengali-speaking area, was transferred to Assam despite some local oppositions against the decision.[13] Afterwards, in 1892, on the similar basis of administrative efficiency, South Lushai Hills was transferred from Bengal to Assam. At that time, some officials in the foreign department suggested that the whole of the Chittagong division (comprising the districts of Chittagong, Chittagong Hills Tracts, Noakhali and Tippera) should also be transferred.[14] The latter idea was discussed in detail during 1896–97, in course of that discussion William Ward, then Chief Commissioner of Assam, for the first time put forward the idea that Dacca and Mymensingh districts should go along with Chittagong division into Assam. The proposal was mainly made to make Assam big enough to be an administrative unit of the British India. This was opposed by Sir Henry Cotton, Ward's successor. Later, after a consultation and in consonance with

[10] Ibid., p. 39.
[11] Ibid., p. 136.
[12] Ibid., p. 146.
[13] Sarkar [2, p. 9].
[14] Ibid., p. 9.

Alexander Mackenzie, the Lieutenant-Governor of Bengal, the British India government decided on 29 April 1897 to transfer South Lushai Hills only for a limited time period to Assam.[15] As Assam had enough territory under it, the idea of re-drawing Bengal was given up for a time being but, again, it was revived in 1901, though only at the departmental level.[16]

On the issue of border settlement, Lieutenant Governor of Bengal Sir Andrew Fraser (1903–1908) in his note of 28 March 1903 strongly supported the need to transfer both Chittagong division and Dacca and Mymensingh out of Bengal. He in his notes highlighted the political benefits of the scheme. His scheme of ideas was embodied in the Viceroy's minute on Territorial Redistribution in India (19 May/1 June) which Fraser fondly hoped would 'fix the administrative boundaries of India for a generation'.[17] Fraser also argued for a 'strong personal government' in those districts.[18] Gradually, over the years, what began as an effort to shorten the border of Bengal presidency, mainly, for administrative purpose, soon transformed into a scheme to partition Bengal. And the idea for such partition was not, primarily, for administrative reasons.

The partition scheme in its final form was mainly the work of Fraser and Risley. Curzon was on holiday in England during much of 1904 and acting viceroy Lord Russell Ampthill took little interest in the matter.[19] The prime objective for partition of Bengal in 1905 was to weaken the then ongoing Swadeshi movement[20] which it did by breaking whatever little unity the Hindus and Muslims have between them. The Indian middle class under the leadership of the Indian National Congress led a movement to get their self-respect which they found was crushed under the British rule. Though the leadership and people were divided on the tactics, they were united over the objective. The effect of the movement was more in Bengal because the renaissance and enlightenment in Bengal had led to rise of middle-class intelligentsia who were leading the movement.

Once convinced that the plan to divide Bengal would have fissiparous effect on the then ongoing Swadeshi movement, particularly in Bengal, on 2 February 1905 Curzon sent final scheme in his dispatch to the Secretary of State. The dispatch got an assent on 9 June, and on 19 July 1905 the government of India announced its decision to set up a new province of 'Eastern Bengal and Assam'. The new province was to comprise of the Chittagong, Dacca and Rajshahi divisions, Hill

[15]Ibid.

[16]Ibid.

[17]Ibid., p. 10.

[18]Ibid.

[19]Ibid.

[20]It was one of the pre-Gandhian movements led by Lala Lajpat Rai, Bal Gangadhar Tilak and Bipinchandra Pal. It called on Indians to boycott the British manufactured goods and use the Indian products.

Tippera, Malda and Assam. The formal proclamation about it was declared on 1 September and on 16 October 1905 Bengal was partitioned.[21]

This decision met with a wide-scale protests in Bengal and other parts of India. Although the intention of the nationalist leaders was to express their protests against the decision to divide Bengal, the symbols and signs used to reflect those protests were communal. This created a further distance between the Hindus and the Muslims of Bengal. For example, during the anti-division movement, Abaindranath Tagore created a painting of *Bharat Mata* which he named earlier as *Banga Mata* (Mother Bengal).[22] 'In this Bharat Mata stands on the green earth. Behind her is the blue sky. Beneath the exquisite little feet is a curved line of four misty white lotuses. She has four arms that always, to Indian thinking, indicate the divine power. Her saree is severe, even to Puritanism, in its folding lines. And behind the noble sincerity of eyes and brow we are awed by the presence of the broad white halo. Shiksha-Diksha-Anna-Bastra (Education-Preach-Food-Cloth) the four gifts of the Motherland to her children, she offers in her four hands'.[23] As the portrait resembles Hindu goddess, the Muslims could not, even if they wanted, relate themselves with Bhartmata. Later, the portrayal was used as a mobilizing artefact-enlarged and transferred to a silk banner by a Japanese artist—during the anti-partition processions of 1905–1906 in Bengal. In still not developed print capitalist Bengal, Sister Nivedita (Margaret Elizabeth Noble) thought to mass-produce this image by engaging painters and artists, and spread it across India. Instead, in the mass-produced images of her artists, Mother India wore a very different look. 'Flanked by one or more ferocious lions, she is armed and in turn, she arms her sons to battle for her; she is variously attired and adorned but certainly not in the garb of virginal ascetic; and most importantly she appears cartographed form associated with the mapped configuration of the nation'.[24] These tactics along with others like the use of *Shivaji festival, Ganesh puja*, etc. by the extremists congressmen alienated a large section of the Muslims.

During the Swadeshi movement when anti-Bengal division movement was also going on communal violence occurred in Mymensingh in 1906–7, the root of the violence was class-based animosity between the landlords and the exploited peasants. Most of the landlords were the Hindus, while peasants were Muslims. One of the causes of the communal tensions was the rise in food price in 1906–07 which had profited the landlords while cursed the already poverty-stricken large number of Muslim peasants. This had caused clashes between the two classes at many places one of them was at Iswarganj in 1906. Afterwards, both the Hindu and the Muslim press played significant role in fomenting tensions between the two groups. They provoked communal sentiments. Also, the religious preachers and

[21]Sarkar [2].

[22]Ramaswamy [4].

[23]Ibid.

[24]Ibid.

organizations from both communities used the communal tensions to consolidate their support among their respective community members.[25]

To an extent, the social position of his community members made Nawab of Dhaka, Salimullah Khan, under whose patronage All India Muslim League was formed in 1906, to extend his support to the division of Bengal. At a conference in 1907, responding to criticism of the division by Rash Behari Ghosh, Salimullah Khan said[26]: ‘The partition has given a new life to the people in the Eastern Province. They are feeling a refreshing sense and a relief from the tharldom of ….. (clauses omitted) Calcutta. They find their rights more quickly recognized and their existence and importance more adequately appreciated than they could as a mere appendage, as heretofore, of Western Bengal. They find that if…..(clauses omitted) some 100 Deputy magistrates and a like number of sub dupties *Munsiffs* and with sub-registrars have had to be appointed, these appointments went to the children of the soil, Hindus and Mohammadens. In fact the people feel neglected in Eastern Bengal. People have got what Ireland has so strenuously been fighting for, I mean home-rule and not rule from Calcutta…so far, therefore cry of nationalism in danger is false and unfounded cry; for what is really in danger is not nationalism, but spirit of exclusivism and privilege of monopoly’. Also, the All India Muslim League (AIML) adopted a resolution in support of the partition of Bengal. The AIML Resolution Number IV of 1906 said: ‘Resolved that this meeting in view of the clear interest of the Musalmans of Eastern Bengal, considers that the partition is sure to prove beneficial to the Mohameddan community which constitutes the vast majority of that Province and that all such methods of agitation as boycotting should be strongly condemned and discouraged’.[27]

Eventually, due to a strong anti-Bengal division movement across India, the partition of Bengal was annulled in 1911 but its impact remained for a long time. The annulment was welcomed by the Congress leadership and others but it was at a cost of losing Calcutta as a Capital of India. Delhi was selected as the new capital of India. This may be because by 1911 the British realized a need for a central point from where they can look after entire India. Consequently, given its political significance, history and geographical location, Delhi became capital of India since 1911. Also, the political activities in Bengal rose on such a high scale that British felt smothered to continue with their rule from Calcutta. The decision to annul the division of Bengal in 1911 was criticized by Salimullah Khan. He said that[28] ‘To us, the Musalmans of Eastern Bengal, the annulment means the deprivation of those splendid opportunities at self-improvement which we had secured by the partition’. The AIML resolution of 1911 annulment stated that ‘The AIML places on record is

[25]Das [5].

[26]Saxena [3, p. 115].

[27]Ibid., p. 157.

[28]Ibid., p. 119.

deep sense of regret and disappointment at the annulment of the partition of Bengal in utter disregard of Muslim feeling, and trusts that government will take early steps to safeguard Muslim interests in the Presidency of Bengal'.[29]

Partition of Bengal in 1947: Emergence of Competitive Identity

Unlike Punjab where the demand for partition was loudly murmured soon after riots in Rawalpindi in 1947, in which a large number of Hindus were killed by the Muslims, the Hindu leaders of Bengal did not raise such demand soon after the Calcutta and Noakhali riots of 1946. The demand for partition was raised only after the British prime minister Clement Attlee's 1947 declaration which signalled imminent British departure from the subcontinent.[30] Consequent upon the declaration, once again a process to draw a border between the two Bengals began in 1947. This second partition was mainly to pacify the growing restlessness and to satisfy individual egos of the anti-colonial political leaders,[31] during the last days of British India. The first step towards the partition of Bengal was taken on 20 June 1947. On that eventful day, the members of Bengal Legislative Assembly met and decided on the partition of their province. First in a joint meeting, it was decided by 126 votes to 90 that the province, if it remained united, should join the new Constituent Assembly of Pakistan. Following that, at a separate meeting of the members of the West Bengal Legislative Assembly by 58 votes to 21 votes, the members decided that Bengal should join the existing Constituent Assembly of India. By the same majority, it was also decided that Bengal should be partitioned between India and Pakistan. Subsequently, in a joint meeting, the members also decided, by 105 votes to 34, that in the events for partition, East Bengal would amalgamate with Sylhet.[32]

Once it was certain India would be partitioned, Border Commission (BC) was set up to demarcate territory between India and Pakistan. This commission was headed by Sir Cyril Radcliffe, who had no prior experience of the work, and also for the first time he was in the Indian sub-continent. Radcliffe's name was suggested by Earl of Listowel in a letter to Mountbatten.[33] Once the name was accepted, it was Jinnah who proposed that both BCs would be headed by Radcliffe with a final casting vote. This was accepted by the Congress.[34] The other members of the BC

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[29] Ibid., p. 88.

[30] Talbot and Singh [6, p. 50].

[31] See Seervai [7].

[32] Collins and Lapierre [8, p. 250].

[33] Ibid., p. 249.

[34] Ibid., p. 251.

were from the INC and the AIML , respectively. Earlier, on the issue of composition of members of the BC, Mohammad Ali Jinnah was in favour of having three members of the Judicial Committee of the Privy Council to be appointed to each commission as impartial members. He was persuaded by the Governor General to drop this idea.[35] Later, Jinnah also insisted on having three non-Indian impartial members with experience of this work—perhaps from America, France and Britain to form each commission at the behest of the United Nations—and also argued for the appointment of the assessors who would most effectively represent the case of the parties involved in the process.[36] This too was not accepted by the Viceroy. Likewise, about BC, there were earlier proposals on its composition: (a) that each commission (Punjab and Bengal) should consist of three persons obtained through UNO (United Nations Organization) *plus* three expert assessors from each side of each partition province or; (b) that each commission should consist of an independent Chairman and four other persons, of whom two should be nominated by Congress and two by the Muslim League.[37] Nehru had objections to the first proposal, so it was not accepted. On second there was no consensus.

In the constituted BC under Radcliffe, both the INC and the AIML nominated their representatives, as members. The members of the Bengal Border Commission which was constituted on 30 June 1947 had four members: Justice Bijan Kumar Mukherjea, Justice C. G. Biswas, Justice Abu Saleh Mohamed Akram and Justice S. A. Rahman. These members were not very effective because the final decisions were taken by Radcliffe. This was the reason why from Punjab Border Commission, two members—Din Mohammad and M. Munir—resigned because they felt humiliated by being marginalized in the preparation of the final report that was to shape future of two sovereign countries.[38] The terms of reference of the BC, were as follows: 'The Border Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis ascertaining the contiguous areas of Muslims and non-Muslims. In doing so, it will also take into account other factors'.[39]

The Congress Committee of Bengal presented its case before Bengal Border Commission. In its report the committee expressed its political and territorial claims on[40]:

1. Burdwan Division—The division was non-Muslim majority area. The percentage of Muslim population was 13.90. Of the 120 police stations in the division, there was only one, viz. Muraroi in the extreme north-east of the

[35]Ibid.

[36]Ibid.

[37]Ibid., p. 248.

[38]Chester [9].

[39]The Gazzete of India Extraordinary Part I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/.BR/EXT-1950-05-02_1259.p.

[40]The Congress Case: As Presented Before The Bengal Border Commission, July 1947: Published by the Secretary, Bengal Congress Central Consultative Border Committee, Eka Press Calcutta.

division where the Muslims from the majority of the population their percentage being 54.65.

2. Darjeeling district—Total population is 376,369, of whom the Muslim population amounts to 9125, i.e. 2.42 percent of the population. There was not one police station which is not a heavy non-Muslim area.
3. Jalpaiguri district: Total population was 1,089,513 of whom 251,460 are Muslims, i.e. 23.08 percent. Of the 17 police stations in the district, only three were Muslim majority areas, viz. Tetulia, Pachagar and Boda in the south-west of the district and from their position cannot be placed in the eastern part without breaking into the non-Muslim majority area and breaking the continuity of the West Bengal Province.
4. Rangapur district—The two police stations incorporated in West Bengal were non-Muslim majority areas and they were contiguous to the district of Jalpaiguri. The other police station incorporated, viz. Bhurangmari had been so done, though a Muslim majority area, on the ground that the only railway line connecting Indian Union with Assam runs through this police station.
5. Dinajpur district—The census figures of 1941 showed that the Muslim population as 50.20 percent. By exclusion of the eight police stations which adjoin the Muslim majority district of Rangapur and Rajshahi as suggested, the percentage of the Muslim population in the rest of the district kept in West Bengal becomes 44.31 percent. The six police stations in the west of the District-Atwari, Baliadangi, Thakurgaon, Ranisankail, Haripur and Pirganj, which are Muslim majority areas were, from their situation, pockets which must remain in West Bengal and the 44.31 percent stated above has been arrived at by including them as well as Police Station Dinajpur where Muslim percentage was 50.72, the Muslims outnumber the non-Muslims by less than 1500 in a total population of over one lac allotted to West Bengal. Police stationxx Dinajpur, was kept in West Bengal as the district headquarters, a Muslim majority area, are within it, and the major portion of the district was kept in West Bengal as non-Muslim majority areas. The eight police stations incorporated in East Bengal could not form a district by themselves and would have to be incorporated in the districts of Rangpur and Rajshahi.
6. Malda district —In the Census of 1941, the Muslim percentage of the district was 56.79. By excluding the five police stations of which Nachole was a heavy non-Muslim majority area, the percentage of Muslim population comes to 49 percent, and the rest of the district becomes a non-Muslim majority area including the three Muslim majority police stations, viz. Harishchandrapur, Kharba and Ratua in the extreme west of the district which must be treated as a pocket. The only other Muslim majority police station in the district included in West Bengal is Kalichak. It had to be so included as the least requirement for keeping up continuity between the northern and southern parts of the West Bengal Province, and also as containing the headwaters of the river Bhagirathi, on which the Port of Calcutta partly depends, but which was in no way necessary to the Province of East Bengal.

7. According to the Census of 1941, the percentage of Muslim population in Murshidabad district was 56.55 and in Nadia district 61.26. By as proposed in the scheme, the percentage exclusion of a portion of Nadia district in that district remains practically the same in the portion included in West Bengal. This territory in the two districts had been included in West Bengal for the most compelling factor of essential necessity for requirements and preservation of the Port of Calcutta. The life of the Province of West Bengal was mostly dependent on Calcutta, and with the partition, it would become almost wholly so dependent. Calcutta was situated on the River Hugli. Its three main feeders, viz. the rivers Bhagirathi, Jalangi and Mathabhanga, in their entire course run through this territory. It may be noted that the real feeders at the present time are the last two. The river Bhagirathi was almost silted up between police stations Lalbagh and Suti in Murshidabad district, and as a result the bed of the river in that portion had become more elevated than the level of the off-take. Perpetual work on and attention to these tributaries would be necessary for keeping up the water supply of the River Hugli and for keeping back the salt water from the estuary. This would be apparent from the various reports made from time to time by competent authorities on the maintenance of the Port of Calcutta.

The Muslim members from the AIML in their case before the Border Commission expressed that[41]:

1. The unit of division to be adopted for the purpose of demarcating Muslims and non-Muslim areas in the two districts of Sylhet and Cachar should be thana. It may be mentioned that for Sylhet district, the smallest unit for which the population figures community-wise, as well as, the Government maps delineating the boundaries, exist, is the thana. There can be no two opinions as to the desirability of the thana basis of demarcation in the case of Sylhet district.
2. For the Cachar district, the same demarcation was adopted by the East Bengal Government and the Muslim League. The non-Muslim parties have, however, gone to the village level on the plea that the population figures, as well as the Government maps depicting village boundaries, exist for that district. With taking into account the population of tribes working in tea garden, there were changes in territorial claims.
3. The AIML report asked whether there was a justification for the exclusion of the tea garden tribes from the population figures of Barkhols, Katigora and Katilchera thanas. The argument was that the tribes were not really the inhabitants of the Assam Province. They came there from other Indian provinces to work. It was further pointed out that they had right to repatriation at the expense of their employers under Act XXII of 1932. In this connection, an attention was invited to an extract from C. R. Mullen’s Assam census Report of 1931, p. 222.

[41]Partition Proceedings Volume VI, Reports of the Members and Awards of the Chairman of the Border Commissions (1950) Superintendent, Government Printing West Bengal Government Press, Alipore.

Mullen remarked: 'From the point of view of Assamese society, a person belonging to any coolie caste or a tribe is complete outsider, and is as exterior as any of the indigenous castes I have classed as "exterior"'. At page 46, Mullen observes that the increase in the number of emigrants from 1927 to 28 onwards is attributed largely to the popularity of the system of recruitment for short terms of 6, 9 or 12 months. On this basis, it was maintained that tea garden tribes have no permanent stake in the province and really form no part of the population of Assam. In their opinion, a good case was to include four thanas of Hailakandi, Katlichera, Barkhola and Katigora of the Cachar district along with the whole Sylhet district in East Bengal.

4. It had been seriously argued on behalf of the Muslim League and the East Bengal Government that the whole of Surma Valley is one geographical unit whose integrity should not be broken up by any artificial division.
5. There remained a question of the strip of territory between the northern border of the Sylhet district and the Khasi and Jaintia Hills on the north, which was claimed by the East Bengal Government and the Muslim League.
6. Contradicting Congress claim, it said that the Muslim majority thana of Bhurangamari on the north-east of Rangpur district is claimed on the plea that the railway line meeting the province of Assam with Indian Union passes through that thana. It may be mentioned, however, that this railway, as far as the northern part of this province is concerned, passes through a part of Cooch Behar State and the Jalpaiguri district. If that railway can be safely passed through another State, Cooch Behar State, it is not clear why the Muslim majority area of Bhurangamari should not be allowed to remain in East Bengal under identical arrangement.
7. The Congress had submitted that it was not possible to stick to one river border as the natural border. They have therefore in part adopted the border of the Ganges or the Padma, and then proceeded along the river Garai, but in the lower reaches of that river they have again departed from it and adopted the thana boundaries. The claim on practically the entire Presidency division is grounded on 'other Factors'. If the integrity of the Presidency has to be preserved, there would be stronger reasons to allot the whole division to East Bengal rather than to West Bengal.
8. Malda district had 56.2 percent Muslims, so entire district was claimed by the Muslim League. They refuted the claims of the Hindus that it is needed to be in India to maintain communication between southern and northern portions of West Bengal.
9. Darjeeling and Jalpaiguri districts were claimed by the Muslim League on the ground that they are the catchment areas of Tista river system. Another important reason why these two districts were claimed by the Muslim League was that the Tista Dam project which was multi-purpose and can only serve the interests of the Muslim majority areas that would be included in East Bengal.

In addition to the INC and AIML, the Hindu Mahasabha also presented its own report on the border to the commission. In fact, the League's report was a response

to the reports presented by the INCs and the Hindu Mahasabha. After getting representations from the three groups on the border, the BC made its decision on partition. Its decision was not very much affected by those reports, but it tried a bit to maintain the positions of the representatives. Although the demand of Muslim League was to carve away a country for Muslims, the partition line drew not only on the basis of religion, 'other factors' like water canals, railways communication lines, etc. too were taken into consideration by Sir Cyril Radcliffe.[42] In some cases explicitly stated in his award, Radcliffe gave these considerations more weightage than what he gave to the determinants like religious composition or administrative setup.[43] In Punjab, Ferozepur award was entirely in consideration of 'other factors'.[44] In Bengal, the 'other factors' made Radcliffe recommend for the transfer of about 6000 square miles from East to West Bengal. This transfer had its impact on the demarcation of the districts of Murshidabad, Nadia, Jessore, Malda and Dinajpur. Such a loss to the East Bengal was compensated by assigning Chittagong Hill Tracts (CHT), with a Buddhist majority, to East Pakistan.[45] Earlier, in its report submitted to the BC, the Bengal Congress had not paid much attention towards the status CHT. It was only, as alleged, after the League raised a demand for the tracts, the Congress members too, though reluctantly, gave a thought over the sparsely populated districts of CHT.[46] Radcliffe line bore a certain resemblance to Curzon's line of 1905. It divided Bengal into West Bengal, which covered 28,000 square miles and had a population of just over 21 million people, and East Bengal, a territory of 49,000 square miles with a population of 39 million people. Over 5 million Muslims left in West Bengal and about 11 million Hindus found themselves stranded in the eastern wing of Pakistan.[47] In eastern side, Pakistan received the largest part of its territory (64 percent) and the majority of its population (65 percent).[48] One of the most bizarre outcomes of the partition of India was the creation of 197 enclaves in north Bengal. It means end of effective citizenship for the people residing in those enclaves. In a band of 100 km, there are 123 Indian enclaves that lay surrounded by Pakistan and 74 Pakistani enclaves that lay dispersed in Indian territory.[49] After 1971, Bangladesh possessed Pakistani enclaves and become a party to disputes with India over them.

In 1946, the Cabinet Commission plan grouped Bengal and Assam together in section C. This was opposed by the Assamese who saw it as threat to their identity.

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[42]Chester [9, p. 77.]

[43]Ibid.

[44]Michel [10].

[45]Chakrabarty [11].

[46]Partition Proceedings Volume VI, Reports of the Members and Awards of the Chairman of the Border Commissions (1950) Superintendent, Government Printing West Bengal Government Press, Alipore.

[47]Chatterjee [12], Schendel [1].

[48]Schendel [1, p. 96.]

[49]Ibid., pp. 97–98.

There were also Hindu–Muslim issues. Earlier, in March 1942, the controversies surrounding land development scheme and the census-related instructions caused the downfall of the Sir Syed Muhammad Saadulla government. Robert Reid, the Governor, took over the administration. However, Saadulla was brought back to run the affairs of the state in August 1942. He revised the Land Development scheme under which grazing and reserve lands were opened to immigrants. The Assamese Hindus, the Assam Jatiya Mahasabha, Sibsagar Ahom Sabha and Assam Pro Assam Mauzadar Association protested against those steps taken by the government. Viceroy Wavell during his visit found that the Saadula's government's slogan of 'Grow More food' was mainly aimed at 'Grow More Muslims'.[50] Since 1940s, the provincial Muslim League worked out tirelessly to increase the population of Muslims in Assam so that it could go to Pakistan, in case partition happens. However, majority portion remained with India except Sylhet. In Sylhet, referendum took place. On the basis of referendum's result, the BC recommended that the entire district of Sylhet would go to East Pakistan, except the three thanas—Badarpur (47 square miles), Ratabari (240 square miles) and Patharkandi (277 square miles)—and a portion of Karimganj thana (145 square miles).[51] The Assam Provincial Congress Committee (APCC) election manifesto had pledged to the electorate in 1945–46 that the Party would work for separating Sylhet from Assam, though the party could not say it openly.[52] The result of referendum was a lifetime opportunity for the Assamese leadership 'to get rid of Sylhet' and carve out a linguistically homogenous province. There was a feeling of relief in the parts of the Brahmaputra valley over the result.[53]

A significant fact, related to the partition of Bengal, is while taking into consideration religious demography 'non-Muslims' did not always meant 'Hindus'. While the non-Muslim stretches of the West Bengal border were all Hindu dominated, in Assam there were no Hindu-dominated areas facing Muslim-dominated areas in East Pakistan. Garo Hills/Khasi and Jaintia Hills (now in Meghalaya) stretch was Christian-dominated.[54] Religious identity of these people was subsumed to their geographical location. About their situation William Schendel writes[55]: 'In view of categories that informed the decisions of the BC, the post-Partition nations had little option but to legitimate themselves in terms of the Muslim/non-Muslim dichotomy. Dominant political interpretations, however, narrowed this down to the categories of Muslims and Hindus and these were treated as

[50] Nag [13].

[51] Partition Proceedings Volume VI, Reports of the Members and Awards of the Chairman of the Border Commissions (1950) Superintendent, Government Printing West Bengal Government Press, Alipore and Chakrabarty [11].

[52] Guha [14].

[53] Ibid., p. 320.

[54] Partition Commission papers, Reports of the Members and Awards of the Chairman of the Border Commissions (1950) Superintendent, Government Printing West Bengal Government Press, Alipore and Schendel [15, pp. 46–47].

[55] Schendel [15, p. 47.]

overarching, unproblematic and antagonistic. As a result, history writing shaded easily into patterns of thought that were dualistic and left little room for other players in the historical drama of the region'. One of the main tussles between the AIML and Congress was over Calcutta (now Kolkata). Both wanted the city to be a part of their countries. But in final report, after weighing many related factors, Calcutta was allocated to West Bengal, India. This led to breakdown of an economy of Bengal, as the raw material producing areas were given to East Pakistan while mills remained in India.

Although the BC gave its final decision, it was not an easy affair. The BC had seven questions before it which was difficult to address. The questions were[56]:

(i) To which State was the City of Calcutta to be assigned, or was it possible to adopt any method of dividing the City between the two States?
(ii) If the City of Calcutta must be assigned as a whole to one or the other States, what were its indispensable claims to the control of territory, such as all or part of the Nadia River System or the Kulti rivers, upon which the life of Calcutta as a city and port depended?
(iii) Could the attractions of the Ganges–Padma–Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?
(iv) Could the district of Khulna usefully be held by a State different from that which held the district of Jessore?
(v) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the districts of Malda and Dinajpur?
(vi) Which State's claim ought to prevail in respect of the districts of Darjeeling and Jalpaiguri in which the Muslim population amounted to 2.32 percent of the whole in case of Darjeeling, and to 23.08 percent of the whole in case of Jalpaiguri, but which constitute an area not in any natural sense contiguous to another non-Muslim area of Bengal?
(vii) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 percent of the whole, but which it was difficult to assign to a State different from that which controlled the district of Chittagong itself?

Taking into account the above-enumerated issues, in its final report Radcliffe writes that 'after much discussion, my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the Province in the south-west and north-east, which provoked no controversy on either side: but, in the absence of any reconciliation on all main questions affecting the drawing of the border itself, my colleagues assented

[56]Collins and Lapierre [8, p. 262], Partition Proceedings Volume VI, Reports of the Members and Awards of the Chairman of the Border Commissions (1950) Superintendent, Government Printing West Bengal Government Press, Alipore, 117.

to the view at the close of our discussions that I had no alternative but to proceed to give my own decision'.[57] Radcliffe also writes 'I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the province: but it is quite impossible to draw a border under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two states that will minimize the consequents of this interruption as far as possible'.[58]

Demand for United Bengal: A Last Minute Effort

In 1947, there was a short-lived demand for a united Bengal instead of dividing the province between India and Pakistan. The plan was to carve out a United Bengal as a sovereign territory. As sketched by its advocates, the Undivided Bengal would also include the districts of Manbhum, Singhbhum and Purnea from Bihar and the Surma valley of Assam with the result there would be no substantial difference in numerical strength of the Hindus and Muslims.[59] A debate over this possibility broke out in May 1947, three months before the partition of the British India. The idea emerged during a press conference, where H. S. Suharwardy, premiere of Bengal argued for 'an independent, undivided and sovereign Bengal in a divided India as a separate dominion'.[60] This found support from MA Jinnah who said[61]: 'If Bengal remains united …..I should be delighted. What is the use of Bengal without Calcutta (?)…'.[62] Initially, it seems, even Gandhi supported the idea, though half-heartedly. However, both Nehru and the leaders of the Hindu Mahasbaha were totally against the proposal. In Bengal, Provincial Congress Sarat Bose and Kiran Shankar Roy supported the scheme. In his Presidential address in 1941 at Madras session, Jinnah talked about Bengalistan[63] which he found to be a nation too. It is not clear what he meant by this—a united or a truncated Bengal.

Abul Hashim, secretary of Bengal Provincial Muslim League, was campaigning for it within the provincial Muslim League. Hashim justified this demand as consistent with the proposal of the Lahore resolution, also known as Pakistan

[57]Ibid.

[58]Ibid.

[59]Sengupta [16, pp. 124–125].

[60]Chakrabarty [11, p. 133].

[61]Cited in Ibid., p. 137.

[62]Sengupta [16].

[63]Moore [17].

resolution, in 1940. In that resolution, the demand was for 'independent Muslim states'.[64] This proposal did not find support from large quarters of either Hindu or Muslim leadership of Bengal. Even the Communist Party of India did not support this proposal. The INC was in favour of the partition of Bengal. The situation was expressed in a private letter of HS Suharwardhy to Liaqat Ali Khan in May 1947. He wrote: 'It was "impossible to argue Hindu public opinion against partition"'. Then, he added 'The Hindu leaders Mr. S. C. Bose and Mr. K. S. Roy are indeed taking a great risk in setting their face against partition. They do not hope to be able to convince their community……….Even the Hindus of East Bengal who do not count in the voting are supporting the partition with death staring them in the face'.[65]

Out of handful numbers of people expressing support to the Undivided Bengal, one was Jogendra Nath Mandal, leader of Scheduled Caste Federation which was politically allied with the All India Muslim League. He said[66]: '…..if Bengal is partitioned Schedule Castes will suffer the most. The caste-Hindus of East Bengal are wealthy and many have salaried jobs. They will have little difficulty in moving from east to west Bengal. Poor scheduled caste peasents, fishermen, and artisans will have to remain in east Bengal where the proportion of Hindus will decline and they will be at the mercy of the majority Muslim community'.

To this, Radhanath Das, a scheduled caste, and a member from the constituent assembly replied[67]: 'Today if we say to our Namsudra brothers in Noakhali that they come to west Bengal where the government of the separate province of West and North Bengal will provide them with shelter and other economic necessities, then I am prepared to swear that Jogen Babu will not be able to keep a single one of the caste brothers in Nokahali. In other words, he will not be able to make them feel secure under Muslim League protection….I say the backward Hindus will be better able than others to leave East Bengal, since they have few possessions besides their tiny huts'.

The debate in Bengal assembly ended with a vote in favour of the partition of Bengal. Only five of the thirty SC members voted against the partition of Bengal.[68]

In June 1947, a draft proposal was prepared by anonymous for a free and United Bengal. The draft in its basis of agreement says 'Bengali Muslims, Hindus, Christians and Buddhists have a common mother tongue and are bound together by racial, social, cultural, economic and other ties and a Free and United Bengal, where they can fully co-operate with one another, is essential for their social, economic and political progress'.[69] The main proposals in the draft were[70]:

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[64]Chaterjee [18, pp. 146–163].

[65]Bhattacharya [19]. Cited 353.

[66]Cited in Ibid and also cited in Chaterjee [18, pp. 146–163].

[67]Chaterjee [18, pp. 146–163].

[68]Ibid.

[69]Zaidi [20].

[70]Ibid.

1. The Free State of Bengal will decide its relations with rest of India. The question of joining any Union will be decided by the Legislature of the Free State of Bengal by two-thirds majority [It is not clear why the draft mention about joining any of the two Unions while demanding for an independent status for Bengal].
2. The constitution the Free State of Bengal will provide for election to the Bengal Legislature on the basis of joint electorate and adult franchise, with reservation of seats proportionate to the population amongst Hindus and Muslims. The seats, as between caste Hindus and scheduled castes Hindus, will be distributed amongst them in proportion to their respective population or in such manner as may be agreed among them.
3. An Interim Ministry consisting of an equal number of Muslims and Hindus (including Schedule Castes) but excluding the Chief Minister will be set up. In this arrangement, the Chief Minister will be Muslim and the Home Minister will be a Hindu. The Interim Ministry is to be treated by the His Majesty Government as an independent Indian Government.
4. The decisions in the Interim Ministry will be taken by two-thirds majority.
5. Prior to emergence of a Legislature and a Ministry under the new constitution, the Hindus (including scheduled caste Hindus) and the Muslims will have an equal share in the services including military and police.
6. A Constituent Assembly, composed of 30 persons, 16 Muslims and 14 non-Muslims, will be elected.
7. The power has to be transferred by the His Majesty Government to either the Interim government or to the Constituent Assembly.

The class conflicts in the rural areas in the last years of British India gave reasons to many *bhadraloks* to accept partition of Bengal for security reasons and retain their status. On contrary, many Muslims and other marginal groups supported for having a United Bengal because of economic dependence of their community's members over others. Also, a reason was dependence of economy of two Bengals. For example, the AIML members, in their report submitted to the BC, demanded Darjeeling and Jalpaiguri districts because they form catchment areas of Teesta river system. It was then thought that by having the two districts, the then and future, hydro projects over the river Teesta would serve the interests of the Muslim majority areas of East Bengal.[71] However, this was opposed by the members of the Indian National Congress and the Hindu Mahasabha. After looking into various dimensions of the two regions, in its final report, the BC gave a major part of the Teesta's catchment area to India. Demography-wise, Darjeeling constituted only 2.42 percent of the Muslim out of its total population while Jalpaiguri had 23.02 percent of Muslims.[72]

[71]Partition Proceedings Volume VI, Reports of the Members and Awards of the Chairman of the Border Commissions (1950), Alipore: Superintendent, Government Printing West Bengal Government Press. p. 79.

[72]Ibid.

Besides this short-lived imagination of having sovereign United Bengal, there was a section of Bengali-speaking Muslim leaguers who were for a sovereign East Bengal which they felt would fulfil the obligation of having Muslim 'states' as adopted in Lahore resolution in 1940.[73] This was cleared in 1946 at Delhi session of the league where 'state' instead of 'states' was accepted as party's objective. Soon after the formation of Pakistan differences emerged between the two parts of Pakistan which eventually led to liberation of East Pakistan as Bangladesh in 1971.

Partitioning Bengal: Significance of Identity

Bengal was a divided society both on the basis of religion and class. The upper caste Hindus were dominant in all sphere of life. The Muslims were mostly peasants working for their Hindu landlords. The British policy of allocating lands benefitted a large number of *bhadralok*. Due to it, most of them turned into big landlords living a lavish life by exploiting their Muslim peasants. In 1905, when Bengal was divided 20,000 people, mainly Muslim peasants, gathered to offer thanksgiving prayers to God for saving them from 'Hindu oppression'.[74] About the Swadeshi movement in Bengal Sumit Sarkar writes that 'despite much talk about the need for mass awakening, the Swadeshi movement of 1905–1908 seldom got beyond the confines of Hindu upper caste *bhadralok* groups-students, journalists, teachers, doctors and lawyers who very often had a link with rentier interests in land in the form of zamindari and intermediate tenure holding'.[75] The day-to-day difference even within people from two communities but from same class was clearly visible due to their religion which was imposed by the Hindu and Muslim revivalist movement. Also, both Hindus and Muslim social orders were based on stratification which caused separation, discrimination and differences among people from same religious group. It was the Urdu speaking who could also speak Bengali, known as *dobashi* Muslims formed the Muslim elite, while most of the peasants were Bengali speaking converted from the lower caste Hindu.[76] The Hindus were divided into caste. The untouchables, especially Namsudras, who were considered untouchable and faced many forms of discriminations, after gaining economic benefit from agricultural work after reclaiming marshy land in East Bengal led a movement for their social upliftment.[77] But during the decisive days of partition, the class contradictions and caste inequality became subservient to the religious identity attained enormous significant. The religion factor made Indian Chambers of Commerce to

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[73] Talbot and Singh [6, p. 52].

[74] Iqbal [21].

[75] Sarkar [22, pp. 271–321].

[76] Gordon [23].

[77] Bandyopadhyay [24].

support partition of Bengal despite being aware that this would negatively affect the business class of Bengal.[78]

Many of the Hindu nationalist historians argue that the communalism in Bengal was Muslim phenomena who were intoxicated by an apprehension that they are going to get an independent Muslim state. This was not absolutely correct. Although considered to be a progressive society, the upper caste Bengali was as much religious as people from other areas. Religious reforms and modern education had influenced only a few numbers of people to change their discriminatory religious attitude. The rising tide of Hindu nationalism in twentieth century led to outstripping of reform by the revivalist movement.[79] The communal construction was carried out through literatures, plays, theatres, etc. Even writers like Saratchandra Chattopadhya could not resist themselves from falling into the communal line. Assessing his writing in an essay *Bartman Hindu–Mussalman Samasya* (The current Hindu–Muslim Problem), Joya Chaterji writes that "it is their [Muslims] basic lack of 'culture' that Saratchandra argues, accounts for brutality, barbarism and fanaticism of Muslims. These are the age-old universal and unchanging attributes of the Muslim community, as much as in evidence among the first Ghaznavite conquerors, who 'were not satisfied merely with looting-they destroyed temples, they demolished idols, they raped women'.[80] The age of 'Muslim tyranny' was recovered from Renaissance histories of Bengal.[81]

Professor Sabyasachi Bhattacharya finds out that an emergence of Muslim middle-class intelligentsia further created wedge between the Hindus and Muslim in Bengal. This educated middle class pointed out the discrimination carried out by the Hindus and their domination over the Muslims in Bengal. By 1920s, there was an emergence of a Muslim middle-class intelligentsia. By 1920s, there was a very strong reaction against the social behaviour of the Hindu *bhadralok* in everyday life, and this was about private domain. In 1917, well-known Bengali poet Siraji wrote an essay on the identity of the Bengali Muslims 'From their childhood our children from the Hindu school teachers and textbooks, over and again, learn that the Bengali Muslims are descendents of the low castes and of untouchable Hindu castes'.[82] Social discrimination was at such a high scale and degree that all cooked food thrown away as unclean if a Muslim entered the room, and the Muslim tenants were seated only on the separate *piris* (low wooden seats) when they visited landlord offices.[83]

On the existing discriminations in Bengal, Sheikh Mujibur Rahman, writes that 'the local Hindus held my own family in high esteem. And yet when I went to visit some of my Hindu friends they wouldn't invite me into their houses because their

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[78]Chakrabarty [11].

[79]Chaterji [25].

[80]Cited in Chaterji, Joya (1994) *Bengal Divided: Hindu Communalism and Partition, 1932–1947* Cambridge: Cambridge University Press. p. 174.

[81]Ibid.

[82]Cited in Bhattacharya [19] (114).

[83]Sengupta [16, p. 150].

families feared I would pollute them'.[84] Mentioning about an incident he further writes 'I had a friend called Noni Kumar Das. We used to study together and he lived close by. He used to spend the whole day with us and would secretly eat with us. One day I went to his house. He took me to a room inside their house and made me sit there. He used to stay with his uncle. His aunt used to treat me affectionately. After I returned, Noni came to my house close to tears. I asked Noni what is the matter? Noni said, Don't come to my house any more. After you eft my aunt scolded me a lot for bringing you inside the house. She had the whole floor cleaned with water afterwards and forced me to wash everything.'.[85] This was, as Mujib mentions, not the case with his many other Hindu friends, he used to visit their homes. But this sorts of behaviour certainly resented Bengali Muslims against the Hindus.[86]

The social distance between the Hindus and the Muslims was further widened because of influence of competitive religious revival movements in Hinduism and Islam during the colonial days. Mainly, under the influence of the revivalists, the Muslim intelligentsia and thought leaders began to assert their '*Bengali* Muslim' identity on the one hand in their interface with Hindus and, on the other, with the pan-Islamist sentiments that spread in the course of the *Khilafat* movement. These were linked later by many Bangladeshi historians with the *mukti juddha* the movement for the liberation of Bangladesh. A great emphasis was on purification and consolidation of Islam in India in 1920s. It was a response to a new religious consciousness that figured in the discourse of Khilafat, on the one hand, and on the other a reaction against activities of the Arya Samaj and the *Shuddist* movement (purification and re-conversion to Hinduism). There was objection to Gandhi *topi* by Muslims or use of *Sree* before the name of Muslims instead of *janab* which were considered anti-Islam.[87]

In most of the cities across India, like the present in India, Pakistan and Bangladesh, the Hindus and Muslims were hardly share neighbourhoods. They have their localities and different spaces. In Bengal, the word Hindu was used for the Bengalis while the Muslims were not considered as such. This was quite visible in definition of areas of residence of the two communities in Bengal. The predominantly Hindu locality was often called as *Bangali-pada* (the Bengali quarter), while the predominantly Muslim quarter was called as *Musalman-pada*.[88]

Finally, according to Bhattacharya, along with identity assertion linguistic-territorial and religious terms, there were material factors such as lack of access to formal education, disproportionately small representation in the government services, exclusion from prominent position in civil society institutions and concentration of land ownership in the hands of upper caste Hindus and so on, which

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[84]Rahman [26, p. 24].

[85]Ibid.

[86]Ibid.

[87]Bhattacharya [19, pp. 113–116].

[88]Roy [27].

created a perception of the Muslim being deprived and disadvantaged in comparison with Hindu community. Unequal recruitment was due to unequal level of education. The exclusion took communal colour.[89] About the conditions of peasants and conflicts, Sumit Sarkar writes ‘Over large parts of East Bengal the discontent of the largely Muslim peasantry found articulation in the form of communalism with Hindu gentry, traders and money lenders as the principal targets’.[90]

Looking into class aspects for religious segregation, Sugata Bose finds out that the breakup of traditional, though exploitative, socio-economic order was a reason for growth of communal enmity in Bengal. For Bose ‘Between 1900 and 1930 rural credit was the nub of an interlocking set of relations of production and surplus—appropriation underpinning the agrarian social structure in east Bengal. The peasant small holding structure could not reproduce itself without being subject to the exploitation of mercantile and usury capitalism. This unequal, but necessary, symbiosis between small holding peasants and their talukdar creditors had ruled out the possibility of any sustained conflict. It was only during 1930–1947 that conflict between a Muslim peasantry and a predominantly Hindu landed—gentry and small trading community became endemic…. Changes in key elements of the agrarian social structure had a decisive influence on the complexion and articulation of peasant politics. With the rupture in rural credit relations in the 1930s the unequal and symbiotic social networks in East Bengal were torn apart. The talukdars-Mahajans and Trader Mahajans did not suddenly become more oppressive. In fact, it was during this period that their chief mode of surplus –appropriation through debt interest collapsed. They withdrew from playing a role in the reproductive process and lost their main source of influence over peasant-debtors. The erstwhile creditors, if they remained on the agrarian scene were now either simply parasitic, through ineffectual, petty rent-collectors or grain dealers in a volatile product market’.[91]

Drawing relationship between the breakup of exploitative system and rise of religious consciousness among Muslims, Bose further finds out that ‘Religion was an important element in the psyche of most peasantry. Almost all Sunni Muslims of the Hanafi School, they had described themselves as Sheikhs in 1911 census returns. Both Noakhali and Tippera had been affected by the Faraizi movement.[92] Local religious leaders kept the banner of Islam flying in the eyes and imagination of the Muslim peasantry. Maktabs and Madarsahs, religious debates and mehfils all

[89]Bhattacharya [19, pp. 113–116].

[90]Sarkar [22, pp. 271–321].

[91]Bose [28, p. 181].

[92]The Faraizi movement was founded in 1818 by Haji Shariatullah to give up un-Islamic practices and act upon their duties as Muslims. This became very popular among the tenants of east Bengal. This was very popular in Dhaka, Faridpur, Barisal, Mymensingh and Comila. Started as a peasant movement, it gave up its agenda after death of its leader Noa Miyan in 1884. It further lost its influence when one faction joined the Muslim League in 1906.

served to heighten the sense of Islamic identity'.[93] Although Bose has related the Faraizi movement with the rise of religious radicalism among the peasants in Noakhali and Tippera, it happened only after the movement was divided into factions and was on decline after the sipping in of Muslim revivalists into the organization.[94] Fairaizi was a peasant-based class movement, and not fully religious in character. Also, in most cases, the peasants decided themselves instead of getting instructions from the revivalists or any group. For example, as on the position of peasants in his study from Awadh, Gyanendra Pandey writes that 'It was not, thus, an abstract question of whom of whom the Congress choose as ally, and then educate and train for political action. The peasants of Awadh had already taken the lead in reaching out for an alliance'.[95] Incidentally, most of the peasants in Bengal were Muslims while landlords were the Hindus

In many parts of Bengal, as a large number of the lower caste Hindus, Namsudras share similar class position with the Muslim peasants, there was some sort of class bonding between the two religiously different groups. In 1908, when Namasudras of Jessore discussed importance to improve their socio-economic position, they got support from the Muslims. The two also joined their hands to challenge the domination of the Brahmins to perform the local Kali festivals in the district.[96] But this class unity at many places, especially in 1940s, became subservient to religious identity of individuals. Even, earlier during 1908 and 1911, there were cases of communal conflicts between the Muslims and Namsudras at Jessore–Khulna border.[97] During the partition, Schedule Caste Federation under Jogendra Nath Mandal supported the AIML's demand for Pakistan. Despite this support, the scheduled castes and the Hindus were not treated well after the partition in Pakistan. This made Mandal and a few of his followers to come back to India in 1950. In his resignation letter as the first law and labour minister of Pakistan, JN Mandal accused the Pakistani establishment for breaking the promises what Jinnah made, i.e. to provide civil liberties and religious freedom to the minority religious group who opted for Pakistan.

Besides other, to arrest the Hindu–Muslim tensions in Bengal and in other parts of India too, during the communally tensed years since 1920s, an effort to reconciliate the members from the two religious communities was made in 1923 by Chittaranjan Das. The Bengal pact of 1923 prepared by CR Das was an instrument to bring back Hindus and Muslims in Bengal together. The terms of it were[98]:

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[93]Bose [28, p. 184].

[94]See Iqbal [21].

[95]Pandey [29, p. 182 of 143–197].

[96]Sarkar [22, pp. 271–321].

[97]Ibid.

[98]Cited in Sengupta [16, pp. 124–125].

1. The number of members of the two communities would be decided by their respective strength in Bengal's population and the two communities would vote separately to elect their members.
2. The Muslims would have 60 percent and the Hindus 40 percent of the seats in local self-government institutions.
3. 55 percent of government appointment must be filled by Muslims but 80 percent of the vacancies would be filled by them until the overall percentage of 35 percent reached.
4. Music near mosques usually a standard excuse for Hindu–Muslim riots was to be banned.
5. Killing of cows for religious purposes of *Bakr-id*, a standard pretext for starting communal violence, was to be permitted and nobody was allowed to object it.
6. A committee with an equal number of Muslim and Hindu would be appointed in every subdivision to supervise the implementation three terms.

This draft found its support from a few Muslim leaders but not by even a thin majority of the Hindus. The INC in its Kakinada session of 1923 rejected it. With this, the possibility of any communal harmony almost ended and the communal elements in Bengal were given freedom to sketch the future trajectory of the province. By the middle of 1940s, both Hindu and Muslim communalism were at their peak which led to occurrence of riots at many places in Bengal. On 'Direct Action Day' call given by the Muslim League on 16 August 1946, massive violence took place in eastern parts of Bengal. It was retaliated in the western Bengal by the Hindus. In Calcutta (Kolkata) such retaliation was led by Sikh taxi drivers.[99]

Conclusion

Both in 1905 and 1947, a border line was drawn to divide the people, largely, on the basis of their religious identity. The religious demography of group also had class character because the Muslims and the scheduled castes who became a part of Pakistan or opted for the new country also belong to a class which was exploited by the Hindu upper caste Bengali *Bhadralok*.

The emergence of Muslim middle class made them resist against the persisting discrimination and, also, it led to a parallel revivalism among the Muslims to counter the Hindu dominance. At many places, these developments created tensions and hatred among the people from the two communities. In post-partitioned

[99]Moon [30].

East Pakistan, the discrimination was reversed. Now, it was Bengali Muslims who had expressed their reservations against the Bengali Hindus living in East Pakistan. The small section of Hindus was often beaten, falsely implicated and being called as 'traitors'.[100] Their conditions in Pakistan had made many Hindus including an ardent supporter of Pakistan—Jogendra Nath Mandal—to return India. The situation has not substantially improved even after 70 years of the partition of British India. Even now there are many instances when Hindu households are being ransacked and individuals have been beaten up or killed publicly. One of the recent attacks on the Hindus occurred in November 2016 when around 100 homes belonging to members of Hindu community were vandalized and at least five temples in Brahmanbaria were ransacked by the radicals.[101]

The partition of Bengal on the religious line in 1905 had its impact on the then ongoing Swadeshi movement in Bengal. The signs and symbols used to express protests against the British rule by the Hindus of Bengal and from the other parts of India, to an extent convinced a part of Muslims that anti-Bengal division was largely a part of Hindu movement. This made many Muslims keep themselves away from the movement. The partition of Bengal in 1905 segregated the two communities further and was one of the immediate causes for the formation of the AIML in 1906 under the patronage of Nawab of Dhaka, Salimullah Khan. The new party found encouragement from the British. Later, under Mohammad Ali Jinnah, the AIML led the demand for a separate country for Muslims of British India. Hence, to an extent, the partition of British India in 1947 was somehow an effect of the partition of Bengal in 1905. Although the decision of 1905 was revoked in 1911 and Bengal was reunited, the physical and emotional lines between the communities remained. In 1947, the Bengal was divided on the same line.

As maintained in this chapter, by 1947 religious identity of individual became more important than all other identities wore by him/her. However, this was a short-lived affair. Soon after formation of Pakistan, in East Pakistan, the cultural and language issues erupted which made people realized that religion is only one part of identity. An early expression of it was agitation in East Pakistan to grant Bengali a status of national language to their language in 1952. Although the demand was met in 1955, the agitation was the beginning of the end of a United Pakistan. In the final days of United Pakistan, the saree wore by the Bengali women, Rabindra Sangeet, etc. became a symbol of East Pakistani resistance against the West Pakistan's domination. Eventually, in December 1971, East Pakistan was liberated and sovereign Bangladesh was formed.

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[100] Rahman [26].

[101] The Daily Star (2016, 31 October) Mayhem in B'baria. Retrieved from http://www.thedailystar.net/frontpage/mayhem-bbaria-1306942. Accessed on 1 November 2017.

References

1. Van Schendel, Willem. 2009. *A History of Bangladesh, Cambridge*. New York & New Delhi: Cambridge University Press.
2. Sarkar, Sumit. 1973. *The Swedeshi Movement in Bengal 1903–1908*. New Delhi: People's Publishing House.
3. Saxena, Vinod Kumar. 1987. *The Partition of Bengal 1905–1911: Select Documents*. New Delhi: Kanishka Publishers.
4. Ramaswamy, Sumathi. 2011. *The Goddess and the Nation: Mapping Mother India*. New Delhi: Zuban.
5. Das, Suranjan. 1991. *Communal Riots in Bengal 1905–1947*. New Delhi: Oxford University Press.
6. Talbot, Ian, and Gurharpal Singh. 2009. *The Partition of India*. New Delhi: Cambridge University Press.
7. Seervai, H.M. 2005. *Partition of India: Myth and Legend*. New Delhi: Oxford University Press.
8. Collins, Larry and Dominique Lapierre. 1982 & 2015. *Mountbatten & The Partition of India*. New Delhi: Times Books Group.
9. Chester, Lucy P. 2009. *Borders and Conflicts in South Asia: The Radcliffe Boundar Commission and Partition of Punjab*. Manchester: Manchester University Press.
10. Michel, Alloys Arthur. 1967. *The Indus Rivers: A Study of the Effects of Partition*, 178. New Haven and London: Yale University Press.
11. Chakrabarty, Bidyut. 2004. *The Partition of Bengal and Assam, 1932–1947: Contour of Freedom*. London & New York Routledge: Curzon.
12. Chatterjee, Joya. 2007. *The Spoils of Partition: Bengal and India, 1947–1967*. Cambridge, New York, New Delhi: Cambridge University Press.
13. Nag, Sajal. 1990. *Roots of Ethnic Conflict: Nationality Question in North-East India*, 146. New Delhi: Manohar.
14. Guha, Amlendu. 1977. *Planter-Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826–1947*, 319. New Delhi: Indian Council of Historical Research.
15. van Schendel, Willem. 2005. *The Bengal Borderland: Beyond State and Nation in South Asia*. London: Anthem South Asian Studies.
16. Sengupta, Nitish. 2007. *Bengal Divided: The Unmaking of a Nation (1905–1971)*. New Delhi: Penguin.
17. Moore, R.J. 2001. Jinnah and the Pakistan Demand. In *India's Partition: Process, Strategy and Mobilization*, ed. Mushirul Hasan, 160–198. New Delhi: Oxford University Press.
18. Chaterjee, Partha. 2012. The Second Partition of Bengal. In *Partition of India: Why 1947?*, ed. Kaushik Roy. New Delhi: Oxford University Press.
19. Bhattacharya, Sabyasachi. 2014. *The Defining Moments in Bengal, 1920–1947*. New Delhi: Oxford University Press.
20. Zaidi, Z.H. 1994. *Jinnah Papers: Pakistan in the Making 3 June–30 June 1947*, 54. Qaid-i-Azam Papers Project, National Archives of Pakistan: Islamabad. Distributed by Oxford University Press. Pakistan.
21. Iqbal, Iftekhar. 2011. *The Bengal Delta: Ecology, State and Social Change, 1840–1943*. New York: Palgrave Macmillan.
22. Sarkar, Sumit. 1984. The Conditions and Nature of Subaltern Militancy: Bengal from Swadeshi to Non-Co-operation, c. 1905–22. In *Subaltern Studies III: Writings on South Asian History ad Society*, ed. Ranajit Guha. New Delhi: Oxford University Press.
23. Gordon, Leonard A. 2001. Divided Bengal: Problem of Nationalism and Identity in the 1947 Partition. In *India's Partition: Process, Strategy and Mobilization*, ed. Mushirul Hasan, 279–321. New Delhi: Oxford University Press.
24. Bandyopadhyay, Sekhar. 2005. *The Namsudra Movement*. New Delhi: Critical Quest.

25. Chaterji, Joya. 1994. *Bengal Divided: Hindu Communalism and partition, 1932-1947*, 157. Cambridge: Cambridge University Press.
26. Rahman, Sheikh Mujibur. 2012. *The Unfinished Memoirs*. New Delhi: Penguin Books.
27. Roy, Asim. 2001. Being and Becoming a Muslim: A Historiographic Perspective on the Search for Muslim Identity in Bengal. In *Bengal: Rethinking History: Essays in Historiography*, ed. Sekhar Bandyopadhyay, 167–230. Manohar: New Delhi.
28. Bose, Sugata. 1986. *Agrarian Bengal: Economic, Social Structure and Politics, 1919–1947*. Cambridge: Cambridge University Press.
29. Pandey, Gyanendra. 1982. Peasents Revolt and Indian Nationalism: The Peasent Movement in Awadh, 1919–1922. In *Subaltern Studies I,* ed. Ranajit Guha, 182. Oxford University Press.
30. Moon, P. 1961. *Divide and Quit*, 58–59. London: Chattao & Windus.

Chapter 4
India–Bangladesh Border Disputes, 1947–2015

India–Bangladesh border disputes carry the legacy of partition of British India in 1947. All those disputes which were not consensually addressed by the BC in 1947 erupted after 1971. Some of those disputes kept on disturbing India–Pakistan relationships in Eastern sector till 1971. To address them between 1947 and 1971, India and Pakistan took certain steps; however, the two countries failed to resolve them. Even after the sovereign Bangladesh emerged, the territorial disputes were so complicated that it took years for India and Bangladesh to finally agree to resolve them. One of the main reasons for the disputes to linger on for years is the changing nature of bilateral relationships between India and Bangladesh since 1971.

In the last years of the United Pakistan, as tensions arose in Eastern Pakistan due to atrocities committed by the Pakistan Army against their own citizens whom they consider different because of cultural and ethnic reasons, millions from the East Pakistan crossed into the Indian border. After taking political, economic and strategic calculations, India decided to extend political, logistical and military support to Bengalis from East Pakistan to attain liberation. Also, separation of two wings was in strategic interests of India against its rival, Pakistan. K. Subrahmanyam, former secretary to the Government of India and then the Director of the government supported Institute of Defence Studies and Analyses was first to support the idea of finding out a military solution to the crisis. On 31 March 1971, Subrahmanyam participated in a [Indian?] Council of World Affairs seminar on East Pakistan developments in which, in contrast to most of the other participants, he argued against a policy of the restraint by the Indian government.[1] In subsequent days as the refugee problems increased the Prime Minister of India, Mrs. Indira Gandhi made a statement in the Parliament 'What was claimed to be an internal problem of Pakistan has also become an internal problem for India. We are therefore, entitled to ask Pakistan to desist immediately from all actions which it is taking in the name of domestic jurisdiction, and which vitally affect peace and

[1]Sisson et al. [1].

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6_4

wellbeing of our own citizens'.[2] Eventually, India helped the *mukti bahini* first and then engaged into the third India–Pakistan war which led to liberation of Bangladesh.[3]

After the liberation, India and Bangladesh became close political friends. Agreements and treaties were signed to address and resolve their outstanding issues which were existing since 1947. In 1974, they also signed the LBA to resolve their border-related problems; however, it could not be implemented because of untoward political developments in Bangladesh which for a few decades derailed the speed of bilateral relationship between the two countries. It has taken them almost 41 years to, finally, implement the LBA and resolve their territorial disputes. After looking into India–Pakistan border disputes in Eastern sector from 1947 to 1971, this chapter discusses the signing of the LBA between India and Bangladesh; why its implementation has taken almost four decades?; and can the LBA become a model to resolve other border-related issues in South Asia?

Border Disputes from 1947–1971: Tensions and Disagreements

In the final report of the Border Commission, submitted to the Governor General, Sir Radcliffe writes 'I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems which are of importance to the life of the Province: but it is quite impossible to draw a border under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two states that will minimize the consequences of this interruption as far as possible'.[4] But this has not happened even after 70 years. Instead, all such interruptions became the cause for confrontations between India and Pakistan. More than that the two countries have discovered and invented many more reasons to remain in conflicts.

Under the BC award in the East Pakistan, a significant area of the border was demarcated in the middle of the river course, which due to its deltaic nature keeps on shifting its course and experience excessive meandering.[5] Those rivers also contain *chars* whose appearance and submergence often becomes a reason for dispute between India and Pakistan (later Bangladesh). In his report, Radcliffe did

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[2]Gandhi [2].

[3]See Raghavan [3].

[4]The Gazzete of India Extraordinary Part-I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/…BR/EXT-1950-05-02_1259, p. 51.

[5]The Gazzete of India Extraordinary Part-I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/…BR/EXT-1950-05-02_1259. Also, Shewlya [4].

not elucidate the fate of *Chars*. Some *chars* were so small that any kind of flooding in the region leads to their disappearance, but some were very large where a population can be settled.[6] Some of those disputed *Chars* were *Taradhar char* in the *Ichhamati* river, on which both sides expressed their sovereign claim soon after the partition of India in 1947.[7]

To address such issues and the other complexities on the border due to such left over and hanging disputes, in 1948 at Inter-Dominion Conference held at New Delhi, India and Pakistan agreed to set up a tribunal to look into them. Consequently, a tribunal was set up under Algot Bagge, former member of the Supreme Court of Sweden. By special agreements in 1949, it was further decided that the tribunal would open its proceedings at Calcutta (now Kolkata) and it should sit part of the time at Calcutta and part of the time at Dhaka. The headquarters of the tribunal would be the city where it would be carrying out its proceedings at the given point of time.[8]

The two countries appointed one Judge each to represent their respective position at the tribunal. India appointed C. Aiyar, while Pakistan was represented by M. Shahabuddin. After hearing for 2 years, the Tribunal delivered its verdict and submitted its final report on 5 February 1950. In most cases, the tribunal was supposed to and it did is re-interpreted the Radcliffe's decision over the issues taken before it by India and Pakistan. Among many of the contesting and competing interpretations of border issues, only four came before the tribunal. Two were on the western and two on the north-eastern part of the border between India and East Pakistan.[9]

The first dispute taken before the tribunal was on fixing of the border between Murshidabad district of West Bengal and Rajshahi district of East Pakistan including the *thanas* (police stations) of Nawabganj and Shibganj of pre-partition Malda district. They run along the river Ganges between India and Pakistan (now Bangladesh). Putting his case Justice Shahbuddin opined argued for a flexible border in the middle of the river while India stated that 'the district border on the date of the Award must be ascertained and demarcated. If this is impossible, the midstream line of the river Ganges and the land border will be demarcated within one year from the date of the publication of this Award'.[10] In its award, the tribunal stated that 'if the demarcation of this line is found to be impossible, the border between India and Pakistan in this area shall then be a line consisting of the land portion of the above mentioned border [in first section of the decision the chairman of the tribunal talked about the border as it was in the Radcliffe's report] and of the

[6]Ibid.

[7]Ibid.

[8]The Gazzete of India Extraordinary Part-I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/…BR/EXT-1950-05-02_1259.

[9]The Gazzete of India Extraordinary Part-I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/…BR/EXT-1950-05-02_1259. p. 59.

[10]Ibid.

border following the course of the midstream of the main channel of the river Ganges as determined on the date of demarcation and not as it was on the date of the Award. The demarcation of this line shall be made as soon as possible and at the latest within one year from the date of publication of this decision'.[11]

The second dispute arose on the *Mathabhanga* River, a tributary of the Ganges River, and flows between India and East Pakistan (now Bangladesh). The dispute was over a portion of a common border which lies between the points on the river Ganges from where the channel of the river Mathabhanga takes off according to Radcliffe's award and the northernmost point where the channel meets the border between the *thanas* of Daulatpur and Karimpur, according to that award.[12] The dispute was, mainly, a result of a mapping error committed by the Radcliffe commission due to changing tracks of the rivers in the region. The map showed the existence of the river at different places where it was at the time tribunal looked into. In the course of the time, Mathabhanga River had slightly shifted to the west direction. To address this, India argued that the border to follow the Radcliffe line, whereas Pakistan wanted a flexible border following river even if it had shifted.[13] The Tribunal's award states 'The border between India and Pakistan shall run along the middle line of the main channel of the river Mathabhanga which takes off from the river Ganges in or close to the north-western corner of the district of Nadia at a point west—south-west of the police station and the camping ground of the village of Jalangi as they are shown on the air photograph map of 1948, and then flows southwards to the northernmost point of the border between the thanas (police station) of Daulatpur and Karimpur'.[14] Second para of the award states 'The point of the off-take of the river Mathabhanga shall be connected by a straight and shortest line with a point in the mainstream of the main channel of the river Ganges, the said latter point being ascertained as on the date of the Award or if not possible as on the date ascertained shall be the south-eastern most point of the border line in Dispute I, this point being a fixed point'.[15]

The third dispute laid in the south-eastern corner of the Sylhet, which previously belonged to the province of Assam. The dispute due to sovereign claims expressed over the a hilly forest, named *Patharia.* It was *a* strip of about eighteen miles long and three miles wide, also known to contain some oil reserves under it.[16] India argued that the portion lies in the west of the forest border shall belong to East Pakistan, while rest of it shall be given to India. Arguing its case, Pakistan tried to differentiate between index and creed maps. Thereupon, it claimed that the border

[11]Cited in Ibid.

[12]Ibid.

[13]Ibid., and Shewly [4].

[14]The Gazzete of India Extraordinary Part-I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/…BR/EXT-1950-05-02_1259, p. 61.

[15]Ibid.

[16]Ibid.

line and the portion of the forest lies to the west of the index map shall be given to East Pakistan while those on the east of the line shown in the index map shall be awarded to India. Pakistan claimed that Radcliffe placed the border here following the Creed Map which did not properly show the border between *Barlekha* (Pakistan) and *Patharkandi* (India). It claimed that the forest actually lay under *Barlekha* Thana. India argued for continuing with a zigzag line awarded by Radcliffe Commission. After listening the arguments, the Tribunal decided that the border commission's zigzag line through the forest was the correct border.[17]

The fourth dispute was over the course of river Kusiyara between India and East Pakistan. India accepted the Radcliffe's decision over the dispute. The root of the dispute lies in change in name of the river after it crosses the border. Justice Shahbuddin argued that 'The border in this area shall run along the southern river, i.e. the river wrongly described as Sonai in the Award map, from the point where the land border running from the south to the north meets the said river, to the point from where that river takes its water through Noti Khal from the northern river, i.e. the river named on the said map as Bogila, and thence along the latter river to the border between the districts of Sylhet and Cachar'.[18] The tribunal's decision was that 'From the point where the border between the thanas of Karimganj and Beani Bazar meets the river described as Sonai river on the map "A" attached to the Award given by Sir Cyril Radcliffe in his Report of August 13th 1947 (Gobindpur) up to the point marked "B" on the said map (Birasri) the red line indicated on the said map is the border between India and Pakistan'.[19] The second para of the decision stated 'From the point "B" the border between India and Pakistan shall turn to the east and follow the river which according to the said map runs to that point from the point "C" marked on the said map on the border line between the districts of Sylhet and Cachar'.[20]

All such disputes due to non-demarcation of the border between East Pakistan and India on the ground led to occasional border skirmishes, resulting in arrests and casualties in those areas.

For example, contested claims over control of chars in the river Ganges led to several border clashes in the months following partition. In all such clashes, local people became the primary victims as they were under fire from both sides. Whenever a *char* emerged, many displaced people would move there to settle down. While the claims over a *char* are contested, the loyalty of those settlers to both the states would also be doubtful. Therefore, the *char* settlers frequently converted themselves from Pakistani to Indian and vice versa to protect themselves from the border guards and security agents of the respective states. The shifting of

[17]Ibid., and Shewly [4].

[18]The Gazzete of India Extraordinary Part-I—Section 1, Ministry of External affairs, Government of India. Retrieved from www.pib.nic.in/archive/docs/DVD_13/…BR/EXT-1950-05-02_1259, p. 62

[19]Ibid., p. 63.

[20]Ibid.

such population at regular intervals also raised the problems on the security of border of the two states. Likewise, disputes over forests in Sylhet created border clashes and abduction of forest guards, and contested territorial claims were emphasized by constructing and destroying forest outposts of one country by the other and vice versa.[21]

Although both India and Pakistan agreed that they would accept Bagge's interpretation of the BC decision and verdict, they were reluctant to proceed further, especially where they apparently lost their respective cases. As a result, India's border with East Pakistan remained tensed. However, later, to address some of the humanitarian issues India and Pakistan in 1959 agreed on a clause which stated that 'over 1,200 miles of this border have already been demarcated. As regards the border between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notification and record of rights'.[22]

As two of the disputes were over demarcation of border in the middle of rivers, it has to be noted that India and Bangladesh share 54 rivers. Historically, these rivers had been used for trade and communication. In 2009, India and Bangladesh signed protocol on inland water trade and transit. Therein, it was agreed by the two countries to use following routes[23]:

1. Kolkatta–Haldia–Raimongal–Chalna–Mongla–Kaukhali–Barisal–Hizla–Chandpur–Narayangonj–Aricha–Sirajganj–Bahadurabad–Chilmari–Dhubri–Pandu–Silghat.
2. Silghat–Pandu–Dhubri–Chilmari–Bhadurabad–Sirajganj–Aricha–Narayangonj–Chandpur–Hizla–Barisal–Kaukhali–Mongla–Khulna–Chalna–Raimongal–Haldia–Kolkata.
3. Kolkata–Haldia–Raimongal–Mongla–Kaukhali–Barisal–Hizla–Chandpur–Naryangonj–Bhairab Bazar–Ashuganj–Ajmiriganj–Markuli–Sherpur–Fenchuganj–Zakiganj–Karimganj.
4. Karimganj–Zakiganj–Fenchuganj–Sherpur–Markuli–Ajmiriganj–Ashuganj–Bhai rab Bazar–Narayangonj–Chandpur–Hizla–Barisal–Kaukhali–Mongla–Raimongal–Haldia–Kolkata.
5. Rajshahi–Godagari–Dhulian.
6. Dhulian–Godagari–Rajshahi.

[21]See Shewly [4].

[22]The Acquired Territory (Merger) Act, 1960. Act 64 of 1964. Retrieved from bombayhighcourt.nic.in/libweb/actc/1960.64.pdf on 18 Jan 2017.

[23]"Protocol on Inland Water Transit and Trade" Ministry of Development of North East Region, Government of India. Retrieved from http://www.mdoner.gov.in/sites/default/files/silo3_content/InlandWaterways/Indo-Bangladesh%20Protocol.pdf. Accessed on 4 Jan 2018.

7. Karimganj–Zakiganj–Fenchuganj–Sherpur–Markuli–Admiriganj–Bhairab Bazar–Narayangonj–Chandpur–Aricha–Sirajganj–Bhadurabad–Chilmari–Dhubri–Pandu–Silghat.
8. Silghat–Pandu–Dhubri–Chilmari–Bhadurabad–Sirajganj–Aricha–Chandpur–Narayangonj–Bhairab Bazar–Admiriganj–Markuli–Sherpur–Fenchuganj–Zakiganj–Karimganj.

In 2016, the first consignment reached to Tripura from Kolkata using waterways of Bangladesh.

After Bangladesh was liberated in 1971, a few of the border-related disputes were addressed, mainly, because the party to dispute was not Pakistan. An example of it is in 1950s India and East Pakistan prepared their respective reports to make use of the waters from river Ganga and its tributaries. The Indian Project was focused mainly on preserving port in Calcutta and so named it as ‘Project for the preservation of the port of Calcutta’. Pakistan had its three water projects: (i) The Ganges Kobadak (G.K.) Irrigation project (Kushtia unit) on the Ganges, (ii) The Teesta Barrage Irrigation Project on the Teesta and (iii) the Karnafuli River in the Chittagong tracts.[24] When Pakistan started its work on its water projects, it faced resistance from India which was the upper riparian to the rivers on which works had to be started. Both the fate of Ganges Kobadak and Karnafuli projects were hanging because of India’s opposition to them.

India objected to the Karanfuli project because of likely submergence of an Indian territory by the then proposed Kaptai Dam. India’s objection to the GK project was because of the use of the Ganges water which India consider as its ‘own’ water.[25] Both projects were completed after Bangladesh became a sovereign country, notably with an assistance from India. Unlike before, the Indian Foreign Minister, Sardar Swaran Singh, saw no difficulty in increasing power potential of Karnafuli as lands to be submerged within India were barren. Sharing an anecdote with his readers, when B.M. Abbas (who later on actively participated in water sharing negotiations between India and Bangladesh) pointed to the Swaran Singh about India’s objection to the project earlier on the ground that it would lead to submersion of one of copper mines, the Foreign Minister of India ‘laughed and said that the situation was, now, different’.[26] However, not all such disputes were addressed soon after the liberation of Bangladesh from Pakistan, and even after the signing of friendship agreement between India and Bangladesh in 1972. Primary among them were disputes over lands and enclaves on which the two countries agreed in 1974.

[24] Abbas [5].

[25] Ibid., 17.

[26] Ibid.

Signing of The LBA: A Sign of India–Bangladesh Bonhomie

The LBA was signed between India and Bangladesh in 1974. The two sides presented their arguments and proposed solution to the various border-related disputes like Mizoram–Bangladesh sector, Tripura Sylhet, Bhagalpur Railway line, Sibpur–Gaurangala sector, Muhuri (Belonia) sector, remaining portion of the Tripura–Noakhali/Comila sector, Fenny River, Rest of Tripura–Chitagong Hill Tract, Beani bazar–Karimganj sector, Hakar Khal, Baikari Khal, Enclaves, Hilli, Berubari and Lathitilla–Dumabari.[27] At that time, it was assumed that most of the solutions result into exchange of land, which may affect the people living there. This has been addressed in Article 3 of the agreement which says that the Governments of Bangladesh and India agree that when areas are transferred, the people in these areas shall be given the right of staying on where they are, as nationals of the state to which the areas are transferred.[28] Including people from these areas into a sovereign territory, despite inclusion of their lands, is contested issue because the border areas of India are not very receptive to Muslims coming from that side of border and becoming citizen. Their movements in near-by areas may produce violence. In past, such incidents had taken place.[29]

Under 1974 agreement, it was decided that the two sides would exchange land to provide corridor to each other. Bangladesh handed over 7.39 km^2 south Berubari corridor to India to which India did not reciprocate. Reacting against the India's delay, on 15 March 1986 then Foreign Minister of Bangladesh Humayun Rasheed Chowdhury said that handing over of Berubari to India was a blunder without getting in exchange the Tin Bigha corridor.[30] Finally, on 26 June 1992, India leased to Bangladesh an area of around 1510 m^2 near Tin Bigha. The lease was mainly to enable Bangladesh to attain access to Dahagram and Angarpota enclaves. This lease was a part of an earlier India–Bangladesh agreement on transfer of lands under which India gained control over the southern half of South Berubari Union No. 12 and adjacent enclaves. That agreement also allowed Bangladesh to retain the Dahagram and Angarpota enclaves. The transfer was possible because, in 1982, India and Bangladesh signed another land swapping agreement according to which[31]:

1. The lease in perpetuity of the Tin Bigha shall be for the purpose of connecting Dahagram and Angarpola with Panbari *Mouza* (Police station Patgram) of Bangladesh to enable the Bangladesh Government to exercise her sovereignty over Dahagram and Angarpota.
2. Sovereignty over the leased area shall continue to vest in India. The rent for leased area shall be Tk. 1/-only per annum. Bangladesh shall not, however, be

[27] Bhasin, Avtar Singh [6].

[28] Ibid.

[29] Datta Antara [7].

[30] Bhasin, Avtar Singh [6].

[31] Ibid., 1948.

required to pay the said rent and the Government of India hereby waives its right to charge such rent in respect of the leased area.

A major bone of contention between India and Bangladesh is their claims and counterclaims over enclaves. An enclave can be defined as a territory legally belonging to a country but is surrounded by an adjoining or an alien state. The problems about the status of those enclaves began in 1949, after the Princely State of Cooch Behar acceded to India and merged with West Bengal, bringing along these enclaves. Due to entrenched animosity between India and Pakistan, bilateral agreements finding a mutually agreed solution to the problems faced by the population living in those enclaves could not even thought about.[32] People living there were living without any kind of social and economic protections from the state. They were trapped on these patches of land and could not freely move across their trapped land. For example, anyone from then Pakistani or Bangladeshi enclave since 1971 found on Indian territory or vice versa could be arrested and deported. The situation was such that children from the one another enclaves could not even attend basic facilities like attending schools or receiving medical treatments by putting steps beyond their enclaves.[33]

Altogether, there were 119 (17,157.72 acres) Indian exchangeable enclaves in Bangladesh and non-exchangeable enclaves are 11 (3,799.35 acres). Similarly, there were 72 (7,160.85 acres) Bangladeshi exchangeable enclaves in India and the non-exchangeable enclaves are 23 (5,128.52 acres).[34] Technically, non-exchangeable enclaves stand for enclaves within enclaves or areas which were earlier thought to be enclaves, but after demarcation of border they no longer remain enclaves.[35] There are also counter enclaves or exclaves the two countries had. Bangladesh had 21 counter enclaves within its Rangpur Division while India possessed 7 counter enclaves. Unlike enclaves, exclaves are partially linked to political territory of a country but surrounded by an adjoining or an alien territory.

After political procrastinations for four decades, in 2011 India and Bangladesh signed LBA protocol to swap lands and exchange the enclaves to resolve their disputes over them. This agreement required exchange of enclaves, involving 51,000 people, spread over 111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India. In most of the cases, the implementation is just a legal and procedural formality because the land is already under the possession of respective states. This agreement could not come into an immediate effect because, according to amended Article 3 of the Indian Constitution any agreement to transfer land by the Union government has to be ratified by the Parliament. This amendment was made in 1960 to implement Nehru-Noon (Pandit Jawaharlal Nehru and Feroze

[32]Matthew Phillips [8].

[33]Ibid.

[34]Bhasin, Avtar Singh [6].

[35]Then Minister for External Affairs of India Mr. I. K. Gujral explained the difference between Exchangeable and non-Exchangeable enclaves in the lower house of Parliament. Ibid., 2073.

Khan Noon) pact in 1958 to transfer lands to settle some of their territorial disputes on eastern and western borders. Under this pact, two important clauses were on the land transfer in East Pakistan. Item number 7 of the pact says ‘Piyain and Surma river regions to be demarcated in accordance with the relevant notifications cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers’.[36] Under item 10 of the pact India and Pakistan agreed to exchange the Old Cooch-Behar Enclaves in Pakistan and Pakistani Enclaves in India without any claim for compensation for extra area going to Pakistan.[37] Under this, South Berubari (comprising several villages) was to be given to the East Pakistan (now Bangladesh) wherein India would retain Bangladeshi enclaves in Coochbehar district. This agreement over Berubari was challenged by the West Bengal assembly and a newly formed Berubari Defence Committee. The transfer of land was petitioned in the Court where after listening the petition, justice Sinha issued an injunction on the state of West Bengal and the Union of India restraining them from giving effect to the proposed transfer of land to the East Pakistan.[38] The matter was also referred to the SC by the President of India Dr. Rajendra Prasad under Article 143 (1) of the Indian Constitution. The Presidential reference of 1 April 1959 placed the following queries before the SC[39]:

(1) Is any legislative action necessary for the implementation of the agreement relating to Berubari Union? (2) If so, is a law of Parliament relatable to article 3 of the Constitution sufficient for the purpose, or is an amendment of the Constitution in accordance with article 368 of the Constitution necessary, in addition or in the alternative?
(3) Is a law of Parliament relatable to article 3 of the Constitution sufficient for implementation of the Agreement relating to Exchange of Enclaves or is an amendment of the Constitution in accordance with article 368 of the Constitution necessary for the purpose, in addition or in the alternative?

The case was heard by a seven-member Constitutional Bench of the Supreme Court constituting Justices B. Sinha, A. S. Shah, K. Dasgupta, K. S. Rao, M. Hidayatullah, P. Gajendragadkar and S. Das. After its hearing, the constitutional bench in majority judgment maintained that ‘We cannot accede to the argument urged by the learned Attorney-General that it does no more than ascertain and determine the boundaries in the light of the Award. It is an Agreement by which a

[36]‘The Acquired Territory (Merger) Act, 1960. Act 64 of 1964. Retrieved from bombayhighcourt.nic.in/libweb/actc/1960.64.pdf on 18 Jan 2017.

[37]Ibid.

[38]‘Storm over Berubari’ *The Economic and Political Weekly* Volume XII No. 50 (10 December 1960), 1785–1786. Retrieved from http://www.epw.in/system/files/pdf/1960_12/50/storm_over_berubari.pdf. Accessed on 19 Dec 2016.

[39]Madhav, Ram (2013) Indira Mujib Accord: Need for Review and Ratification. Retrieved from www.indiafoundation.in/…/India-and-Bangladesh-Land-Border-Agreement-1974-Nee…. Accessed on 11 Jan 2017.

part of the territory of India has been ceded to Pakistan and the question referred to us in respect of this Agreement must therefore be considered on the basis that it involves cession or alienation of a part of Indian Territory'.[40] Expressing its displeasure over the argument made by the Attorney General that Berubari was never included in Indian Union in finality. The bench stated that 'We are not impressed by this argument either. As we have already indicated, since the award was announced, Berubari Union has remained in possession of India and has always been treated as a part of the West Bengal and governed as such'.[41]

To overcome this legal hurdle created by the constitutional bench, the government of the day came out with an amendment in the constitution. The ninth amendment act was inserted into the Indian constitution, and Acquired Territories (Merger) Act (see Appendix D) was adopted in 1960.[42] The amendment made many adjustments by delimiting the constituencies, defining the status of property in the acquired areas, etc. However, despite all such efforts made by the Union government, the agreement could not be implemented because of a series of petitions against the transfer of land to Pakistan was filed in the SC. Finally, on 29 March 1971, the Supreme Court cleared the way for implementation of the agreement but it could not be done because of the ongoing civil war in Pakistan.

Since then ratification by the parliament on land transferring agreement entered by the government of India is mandatory. The procedure has been followed in the case of LBA also. After agreeing on to implement the LBA protocol to address India–Bangladesh border issues, the United Progressive Alliance (UPA) government in India introduced a constitutional amendment bill in the parliament. Once it was passed by the Lok Sabha (Lower House), the draft was introduced in Rajya Sabha (Upper House) in December 2013. Meanwhile, as a result of 2014 general elections, the UPA lost power to the Bharatiya Janata Party (BJP) led by National Democratic Alliance (NDA). Under the new dispensation, it was suspected that the bill would not be passed because the BJP had opposed the bill in past. But the way for it was cleared when the Indian Prime Minister Narendra Modi assured, in his public speech in Gauhati, that his government would utilize the LBA to provide security to Assam.[43] As a result on 7 May 2015, this bill was passed by the Indian parliament as a hundredth amendment act into the constitution. Hence, the parliament had ratified the LBA.

Soon after the ratification of the LBA, there was an opposition to it in Assam because the state has lost about 268.39 acres. It was being led by Asom Gana Parishad (AGP)—a regional political party from Indian border state of Assam. After the hundredth amendment was passed by the Indian Parliament, it called on a protest

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[40]'The Saga of Berubari' Retrieved from http://swapsushias.blogspot.in/2013/08/the-saga-of-berubari-east-pakistan.html#.VSjYvNxfU7x. Accessed on 17 July 2015.

[41]Ibid.

[42]Government of India, Ministry of External Affairs, *India Bangladesh Land Border Agreement*. Retrieved from http://mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf.

[43]Sushanta Talukdar 'Land Swap to ensure Assam security: Modi' *The Hindu* 1 December 2014.

which had disrupted normal life in Guwahati.[44] Besides Assam, the land swapping exercise was also opposed in Meghalaya where Coordination Committee on International Border opposed the swapping. The exercise was also opposed by a conglomeration of groups such as the Khasi Students Union, Federation of Khasi, Jaintia and Garo People, the Hynniewtrep National Youth Front and the village councils falling under the Khasi–Jaintia Hills. They alleged that the major chunk of tribal land from Meghalaya—almost 559.7 acres—would be swapped to gain a mere about 52.15 acres from Bangladesh.[45]

In the implementation of the LBA, one of the focuses was on Adverse Possession (AP) territory. It is a piece of land contiguous to India's border and lies within the Indian control; however, legally it is a part of Bangladesh. Likewise, there are Bangladeshi APs. In the land swapping exercise under the LBA, India has received 2777.038 acres of AP areas of land and transferred 2267.682 acres of same form of land to Bangladesh. In enclaves, India received 51 (7,110.2 acres) of the 71 Bangladeshi enclaves that are inside India proper. Bangladesh received 111 Indian enclaves (17,160.63 acres). In this exercise, India has given around 40 km^2 (10,000 acres) to Bangladesh.[46] Sector-wise total AP territory transferred to India (in acres)[47]:

West Bengal	
Berubari and Singhpara-Khudipara	
(Panchagarh–Jalpaiguri)	1374.99
Pakuria (Kushtia-Nadia)	576.36
Char Mahishkundi	393.33
Haripal/LNpur (Patari)	53.37
Total	2398.05

Meghalaya	
Pyrdiwah	193.516
Lyngkhat I	4.793
Lyngkhat II	0.758
Lyngkhat III	6.94
Dawki/Tamabil	1.557

(continued)

[44]Kashyap, Samudra Gupta (2015, 8 May) Assam protests against land swap deal continues. *The Indian Express*. Indianexpress.com/article/india/india-others/assam-protests-over-land-swap-deal-continues-agp-bandh-disrupts-lif. Accessed on 8 May 2016.

[45]Natrajan, Sukanya (2015, 26 March) Land Swap: can a deal be clinched? *The Hindu*. http://www.thehindu.com/opinion/op-ed/land-swap-can-a-deal-be-clinched/article7032651.ece.

[46]See India and Bangladesh: Land Border Agreement. Ministry of External Affairs, Government of India. Retrieved from https://www.mea.gov.in/Uploads/…/24529_LBA_MEA_Booklet_final.pdf. Accessed on 17 April 2017.

[47]Ibid., p. 53.

(continued)

Meghalaya	
Naljuri I	6.156
Naljuri III	26.858
Total	240.578

Tripura	
Chandannagar (Moulvi Bazar-Uttar Tripura)	138.41
Total	138.41
Grand total (APs)	2777.038

Sector-wise total adverse possession territory transferred to Bangladesh (in acres): (Ibid., p. 54)

West Bengal	
Bousmari–Madhugari (Kushtia-Nadia)	1358.25
Andharkota	338.79
Berubari (Panchagarh-Jalpaiguri)	260.55
Total	1957.59

Meghalaya	
Lobachera-Nuncherra	41.702
Total	41.702

Assam	
Thakurani Bari-Kalabari (Boroibari)	
(Kurigram–Dhubri)	193.85
Pallathal (Moulvi Bazar-Karimganj)	74.54
Total	268.39
Grand Total (APs)	2267.682

The LBA has, now, demarcated the erstwhile un-demarcated border in all three segments: Daikhata-56 (West Bengal), Muhuri RiverBelonia (Tripura) and Dumabari (Assam).[48] This, as expected, will help in better management of the border and check the crimes. **At present, India and Bangladesh shares**

[48]Ibid., p. 61.

4096.70 km of border. Out of this, West Bengal shares 2216.70, Assam 263.00, Meghalaya 443.00, Tripura 856.00 Mizoram 318.00 km.[49] BSF manages 802 Border Out Posts (BOP). In 2012, the inter-BOP distance was reduced to 3.5 km. Also, additional 383 BOPs were approved.[50] Sector-wise BOP: West Bengal (South Bengal) 326, North Bengal 307, Meghalaya 125, Assam 91, Tripura 245 and Mizoram 91. Total number of BOPs as decided then was 1185.[51]

Can LBA Be a Model to Resolve India's Other Border-Related Disputes?

Despite all sorts of protests the LBA came into effect, lands were swapped and people crossed into the other sides of the border to gain a new citizenship status. Many stateless people became a citizen of one or the other state. This causes a curiousity: as the LBA has resolved the decades-old disputes, can it be a model for India's resolution of border disputes with other countries? The two major countries with which India is embroiled in the border-related disputes are Pakistan and China. Besides, India have also territorial differences with Nepal (Kalapani and Sustu) and Sri Lanka (Katchaveethu Island). As the relationships with Sri Lanka and Nepal are cordial, the territorial differences with these countries are relatively well managed to not go beyond a level.

After the partition of India in 1947, India and Pakistan tried to resolve their territory-related disputes in Jammu and Kashmir but has not succeeded. In 1954, 1963, 1972, and 2007, there were opportunities when they could have resolve the border issue but they failed. In 1954, as the talks between Indian Prime Minister and his Pakistani counterpart were going on, there was a sudden change in the head of the state in Pakistan. It halted the dialogue between them. In 1958–59, as discussed above, the two countries agreed to resolve their border related issues, mainly in Eastern sector. Then in 1963, after six rounds of talks over the Kashmir issue, both sides even agreed to exchange lands to end their stand-off over the area. However, just before signing the documents, they stopped. Again in 1972, during Shimla talks, the two countries were expected to touch some of their contentious territorial issues and find out a solution, but it did not happen. Only change they agreed on that they would engage in bilateral dialogue to find solution to Kashmir issue instead of letting the global institutions and other countries to become any part of the process. This shut down the door for the United Nations which was trying to explore ways to resolve the Kashmir dispute between India and Pakistan since 1949. As argued by former Foreign Minister of Pakistan, in 2007, India and Pakistan, secretly, agreed to

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[49]'Management of Indo-Bangladesh Border' Ministry of Home Affairs, Government of India. Retrieved from http://mha.nic.in/sites/upload_files/mha/files/BM_MAN-IN-BANG-270813.pdf. Accessed on 12 Dec 2017.

[50]Ibid.

[51]Ibid.

resolve their territorial disputes in Jammu & Kashmir but they could not move because a rise of anti-government protests in Pakistan over the domestic issues.

Only land border disputes India and Pakistan have resolved is in Kutch region in 1968. It was through international mediation. The tribunal was set up on 30 June 1965 and was headed by Swedish judge, Gunnar Lagergren. Another dispute in the same region between them is over 96 kilometres long Sir Creek Estuary.

India and China are engaged in border disputes at both Western and the Eastern sectors. In Western sectors (Aksai Chin region), the territory in dispute is around 37,250 km^2. In Eastern sector (Arunachal Pradesh region), the two countries are engaged in over around 83,740 km^2. Their disputes on both sectors historically lie the Shimla accord of 1914. At that time, India was under the British imperial rule so the border was demarcated by them to pursue their political and economic interests. At Shimla in 1914 after discussion between plenipotentiaries of British India, Tibet and, representative from the Chinese empire, Yuan Shi Kai. A debate is there whether he signed the document after participating in the discussions. A few Chines scholars claim that he did not sign. As a successor to British India, India accepts the McMahon line while China maintains ambiguity. It does not recognize the line with India but accepted 'traditionally customary line' which almost follows McMahon line to resolve its border issues with Myanmar in 1960. As the border issue did not address after even a round of talks in first decades after India's independence in 1947, the two countries had a war in 1962. Even after the war, their border disputes remained intact.

In 1967, Indian and Chinese border forces once again clashed at Nathu La and Cho La sectors from 11–14 September 1967 to 1 October 1967, respectively. Again the border forces from the two countries engaged into skirmish in 1987 at Sumdurong Chu valley in Eastern sector. Following the clash at the India–China border, in 1988 then Indian Prime Rajiv Gandhi paid a visit to China. He met and discussed the border issue with the Chinese leadership. During the meeting, the Chinese leader Deng Xiaoping emphasized upon moving ahead in their bilateral relationship while letting the 'future generation' decides the fate of the border disputes.

Taking step-by-step process to address their border issues, India and China set up Joint Working Group (JWG) in 1988. Then in 1993, an Expert Group comprising diplomats, military officials, cartographers, etc. for the purpose of making a closer scrutiny of each side's position and clarifications on the Line of Actual Control (LAC) was set up. Ten years after, special representatives were appointed in 2003 to hold negotiations over the border issue. This body was set up after the visit of the then Indian Prime Minister Atal Behari Vajpayee to China. During the visit, Vajpayee stressed the importance of including political viewpoints to resolve their border disputes. To establish peace at the border, India and China signed an agreement, on the Maintenance of Peace and Tranquillity along the Line of Actual Control in the India–China Border on 7 September 1993. Then two countries signed an agreement on Confidence Building Measures in the Military Field Along the Line of Actual Control in the India–China Border Areas on 29 November 1996. The two countries also entered into a protocol on Modalities for the Implementation of Confidence Building Measures in the Military Field Along the Line of Actual Control in India–China Border Areas on 11 April 2005. The latest agreement to

maintain peace on their border was signed on 17 January 2012 when they agreed on the Establishment of a Working Mechanism for Consultation and Coordination on India–China Border Affairs.[52] Despite all such measures taken by India and China to maintain restraint at their border, tensions do emerge between them at regular interval of time. The latest one was at Doklam where in 2017 Indian and Chinese forces engaged in a stand-off in a contested territory lying in Bhutan.

The level of complexity related to effective border demarcation is because of political relationship a country has with the other. First, move to settle down any border-related disputes demands compromise, adjustments and political determination between the disputing states. These are possible only when there is a consensus to do so among various actors like political leadership, institutions and dominant political constituencies. Making such consensus depends upon the historical relationship a country has with the neighbour. In case of Bangladesh, this is relatively easier than when the opponent is China or Pakistan. This is why because a group or two may have negative perception about Bangladesh, the dominant narrative in India is that it is a friendly country. For example, many Indian commentators have expressed and still supports that India should release the agreed 37.5 percent of Teesta water to Bangladesh. India agreed to it in 2011; however, the West Bengal Government is reluctant to release such percentage of water to its lower riparian. This is not the situation with Pakistan and China where the relationship is based on the memories of bitter past. Correspondingly, in Pakistan and to an extent in China too feeling is similar. In such a situation, it is difficult for the leadership, even if they want, to take steps to resolve existing border row. Any such move is all likely to be dissented by the institutions and have a negative political pay-off. The case is similar on both sides of the border. In past, steps to improve bilateral relationships have been given up because the institutions in one or the other countries did not sanction for establishing cordial relationship between them. For example, Kargil War (1999) between India and Pakistan is the best example of it. It was the result of the differences between the then Army Chief of Pakistan, General Parvez Musharraf and Prime Minister, Nawaz Sharif. The Army Chief was not happy with steps taken by Sharif to better India–Pakistan ties.

Improvement in relationship among the states is easier when both have a common enemy to tackle with. This has happened during the two World Wars or Cold War days when the countries around the world joined one or the other alliance groups against their projected enemies. In that situation, the leader did not shy away from entering into all forms of adjustments and compromises even with relatively small but strategic country. Likewise, in case when the country wants to stop or check the extra-regional powers from spreading its influence in the region, it does try those tricks to pursue strategically located neighbours to side with them instead of opening space for the extra-regional power in the region. Latter is the situation in

[52]'Border Defence Cooperation Agreement between India and China' Press Information Bureau, Government of India, Prime Minister Office, 23 October 2013. Retrieved from http://pib.nic.in/newsite/PrintRelease.aspx?relid=100178. Accessed on 27 Jan 2017.

South Asia where China—an extra-regional power—has developed a close relationship with most of the India's neighbours including Bangladesh. One of the reasons for implementation of the LBA was growing bonhomie between China and Bangladesh which provide space to former to establish itself in the Bay of Bengal region. A maturity in their bilateral relationship can be understood by looking into the joint statement released after the visit of Xi Jinping to Dhaka in October 2016. The statement uses the phrase 'Strategic Partnership of Cooperation' in the title. This is different from what was used in 2014 when Sheikh Hasina visited China —'Deepening the Closer Comprehensive Partnership of Cooperation' in title.[53]

At economic front, trade between the two countries has grown rapidly making China, Bangladesh's largest trading partner, with the two-way trade accounting for about $8 billion in 2014. This increased to about $9 billion US Dollars in 2015.[54] Between 2010 and 2015, imports from China grew at about 20 percent and export growth averaged at 40 percent.[55] In 2014–15, the trade ratio of Bangladesh with China was 1:10.41 in favour of China. In 2005, China emerged as Bangladesh's top import source surpassing India for the first time, and it is still leading importer to Bangladesh. Their economic relationship began in 1975 itself and graduated to a higher level in the next decades. In 1984, Bangladesh and China gave the Most Favoured Nation (MFN) status to each other.[56] In 2002, Bangladesh articulated 'Look East' policy to connect with its eastern neighbours, mainly with China. Under the Bangkok agreement known as the Asia Pacific Trade Agreement (APTA), Bangladesh avails revenue duty-free access to the Chinese market for a number of goods.[57] In 2010, the leaders from the two countries announced that they were committed to establishing a 'Closer Comprehensive Partnership of Cooperation'. China–Bangladesh trade relations drive their bilateral ties. One challenge between the two is related to increase in exports of goods from Bangladesh to China. Bangladesh consistently demands relaxation of market access terms, such as rules of origin for Bangladeshi products. It also demands from China to diversify its exports basket to access a large Chinese consumer market.[58] In infrastructure sector, to develop infrastructure in Bangladesh, over the years, China

[53]'Joint statement between People's Republic of Bangladesh and People's Republic of China on Deepening the Closer Comprehensive Partnership of Cooperation', Ministry of Foreign Affairs, Government of Bangladesh, Retrieved from http://mofa.gov.bd/media/joint-statement-between-peoples-republic-bangladesh-and-peoples-republic-china-deepening. Accessed on 13 July 2017.

[54]'China-Bangladesh FOC Tuesday' (2016, 8 April). *The Financial Express*. Retrieved from http://www.thefinancialexpress-bd.com/2016/04/08/25269/China-Bangladesh-FOC-Tuesday on 8 April 2016.

[55]Islam, M. Shahidul (2015, October 2) 'Four Decades of Bangladesh-China Relations: What Next?' *The Daily Star*. http://www.thedailystar.net/op-ed/politics/what-next-150247.

[56]Yasmeen [9].

[57]Ibid.

[58]M. Shahidul Islam (2015, 2 October) "Four Decades of Bangladesh-China Relations: What Next?" *The Daily Star*. Retrieved from www.thedailystar.net/op-ed/politics/what-next-150247 on 12 April 2016.

has provided development assistance and project loans for six 'friendship bridges',[59] and two more are in the pipeline. The first friendship bridge was opened in 1987, constructed at the cost of $24 million US Dollars out of which China provided $13 million US Dollars in the form of grants and loans.[60] China is becoming an important partner in developing the Bangladesh's physical infrastructure. It is actively engaged in building ports, roads, bridges, power plants and other physical infrastructure in Bangladesh. One of the important steps to boost economic relationship is through improving connectivity which is a catalyst for increase in trade. Bangladesh–China–India–Myanmar-Economic Corridor (BCIM-EC) is one such way sketched out to increase trade and transportation among the member countries.

More than the growing economic relations between China and Bangladesh, it is their growing defence partnership which worries India. Under this growing relationship, Bangladesh has procured many advanced weapons from China. These weapons, as majority of the Indian security analysts assume, may be used for spying activities against Indian vessels in the Bay of Bengal region. In 2006, China supplied 65 artillery guns and 114 missiles and related systems. Most of the tanks procured by the Bangladesh Army like T-59, T-62, T-69 and T-79 are of Chinese origin. A large number of Armoured Personnel Carriers (APCs), artillery pieces and small arms and personal weapons in the Bangladesh Army are of Chinese origin. Also, the Bangladesh Army has 155 mm PLZ-45/Type-88 (including transfer of technology) and 122 mm Type-96 as well MBRLs from China.[61]

The Bangladeshi Navy is largely made up of the Chinese-origin platforms which includes 053-H1 Jiangsu I class frigates with 4 × HY2 missiles, Huang Feng class missile boats, Type-024 missile boats, Huchuan and P 4 class torpedo boats, Hainan class sub-chasers, Shanghai class gunboats and Yuchin class landing craft utilities.[62] The Bangladesh Naval Ship (BNS) Khalid Bin Walid has been retrofitted with HQ-7 surface-to-air missile technology from China. In 2008, BNS Osman successfully tests fired to check the capability of a C-802 SAM in the presence of the Chinese Defense Attaché Senior Colonel Ju Dewu. China began supplying fighter aircraft to the Bangladesh Air Force in 1977. Over the years, it has delivered F7 and Q5 fighter aircraft and PT 6 Trainers to Bangladesh. In 2005 to increase its air power, Bangladesh air force ordered for 16 F-7BG whose deliveries began in 2006 by China.[63] In recent years, since 2010, Beijing has supplied Dhaka with five maritime patrol vessels, two corvettes, 44 tanks and 16 fighter jets, as well as surface-to-air and anti-ship missiles.[64]

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[59]Ibid.

[60]Ghosh and Suchitra [10].

[61]Sakhuja, Vijay 'China–Bangladesh Relations and Potential for Regional Tensions'. Retrieved from http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=35310&no_cache=1#.V2E4A9L5jIU on 15 June 2016.

[62]Ibid.

[63]Ibid.

The two countries have also witnessed exchange visits of their defence personals at regular intervals of time. In December 2015, General Wang Jianping, deputy chief of general staff of the Chinese People's Liberation Army (PLA), held talks with General Abu Belal Muhammad Shafiul Huq, Chief of staff of the Bangladesh Army, in Beijing. During the meeting, General Wang, emphasising upon their bilateral relations, said 'Since China and Bangladesh established diplomatic relations 40 years ago, the two countries have witnessed continuous development of bilateral relations and sound coordination in international affair'.[65] He noted that 'in the promotion of the One Belt (Silk Road Economic Belt) and One Road (the 21st Century Maritime Silk Road Initiatives), China is willing to maintain communication and coordination with South Asian countries including Bangladesh and strengthen interconnectivity for common development'.[66] General Wang expressed satisfaction with the decades-long sound mil-to-mil relations between the two countries. He found it as an evidence of pragmatic and efficient cooperation in many areas. He expressed a hope that like in past, in future too the two militaries would keep enhancing high-level exchange of visits, witness communication between military academies and cooperation in technologies and personnel training.[67] To this, General Belal said that Bangladesh and China are good partners and trust each other. He also added that 'Bangladesh is grateful to China for its strong support and assistance over the years and stands ready to work more closely with China to deepen the relations between the two countries and two militaries'.[68]

Later, the visit by the Chinese President Xi Jinping to Dhaka on 14 October 2016 further bonded the relationship between the two countries. During the visit, Bangladesh and China signed 27 agreements and Memorandum of Understandings (MoU) involving the two governments. Out of 27, 15 were agreements and MoUs and 12 were for loan and mutual agreements.[69] Correspondingly, the Chinese state-owned and private entities also entered into 13 agreements mostly with Bangladeshi private enterprises. Totally, 40 agreements and the MoUs were signed were of worth about USD$25 billion.[70] Some of them are new grants, while the

[64]Tiezzi, Shannon (2015, 4 December) "China, Bangladesh Pledge Deeper Military Cooperation". *The Diplomat*. http://thediplomat.com/2015/12/china-bangladesh-pledge-deeper-military-cooperation/ on 18 April 2016.

[65]'China, Bangladesh cement bilateral relations', Ministry of National Defence, The People's Republic of China, Retrieved from http://eng.mod.gov.cn/DefenseNews/2015-12/03/content_4631455.htm. Accessed on 22 May 2016.

[66]Ibid.

[67]Ibid.

[68]Ibid.

[69]'Bangladesh China sign 27 deals as Xi visits Dhaka' (14 Oct 2016) *BDNews 24*. Retrieved from http://bdnews24.com/bangladesh/2016/10/14/bangladesh-china-sign-27-deals-as-president-xi-visits-dhaka. Accessed on 16 Oct 2016.

[70]'BD, China set to sign over 25 MoUs, Deals' (13 Oct 2016) *The Financial Express*. Retrieved from http://www.thefinancialexpress-bd.com/2016/10/13/49214/BD,-China-set-to-sign-over-25-MoUs,-deals. Accessed on 15 Oct 2016.

others are a part of the financial grants China agreed to deliver in phases during Sheikh Hasina's visit to China in 2014. Earlier, Bangladesh agreed to procure two Ming class submarines which have costed has costed around $203 million USD to the country. They were added in the Bangladesh Navy in November 2016. Further deepening their defence relationship, during the visit of the Chinese President Xi Jinping to Dhaka on 14 October 2016, Bangladesh and China entered into 'Strategic Partnership of Cooperation'.[71]

This pattern of defence relationship with Bangladesh is more beneficial to China than the former. Economically, the supply of Chinese arms to Bangladesh helps the Chinese arms industry to maintain its chain of production. Strategically, it is packed with military chicanery. Close relationships with Bangladesh provide a strategic space to China in the Bay of Bengal which India consider as its sphere of influence. Hence, to make its own relationship cordial with Bangladesh, India has made adjustments. All of them need not be considered as has been done with an eye on China's growing imprint in the Bay of Bengal and Bangladesh, but some of them are. All such adjustments are a part of pragmatic steps which any country across the world will take to stop its competitor to spread its wing in that country's region of influence.

Maritime Border Disputes: Accepting Adjustments

Prior to the LBA, India–Bangladesh had resolved their long-standing their Sea Border Dispute in the Bay of Bengal of region with the help of Permanent Court of Arbitration (PCA) at The Hague on 08 October 2009. On 7 July 2014, the court delivered its final verdict which was taken as the disputes have been resolved. In that decision, the PCA awarded Bangladesh with 19,467 km^2 out of the total 25,602 km^2 of the sea area (76 percent), leaving 6,135 km^2 (24 percent) to India. It allows Bangladesh to have 200 miles of Exclusive Economic Zone (EEZ) and provides an access to open sea.[72] Further, the PCA in its award created 'grey areas'. This area is where India's 200 nautical mile EEZ and inner continental shelf overlaps with the outer continental shelf of Bangladesh. This arrangement results in dual claims on a single zone. In the verdict, India got the claims on the subsoil and the water column above it while Bangladesh secured a limited claim on subsoil only. Acknowledging this, the tribunal hoped for the creation of a cooperative

[71]'Joint Statement between the People's Republic of Bangladesh and the People's Republic of China on Deepening the Closer Comprehensive Partnership of Cooperation' Ministry of Foreign Affairs, Government of Bangladesh. Retrieved from http://mofa.gov.bd/media/joint-statement-between-peoples-republic-bangladesh-and-peoples-republic-china-deepening. Accessed on 21 Dec 2016.

[72]Rashid, Harun ur 'India–Bangladesh: UNCLOS and the Sea Border Dispute'. Retrieved from http://www.ipcs.org/article/india-the-world/india-bangladesh-unclos-and-the-sea-boundary-dispute-4557.html. Accessed on 16 Jan 2015.

arrangement. The PCA expressed a confidence that the two countries will respect the arrangements made in the judgement and exercise their rights within the given framework.[73]

Negotiations over this maritime dispute in the Bay of Bengal region were going on between India, Bangladesh and Myanmar since 1970s. Myanmar and India were in a favour of a delimitation based on equidistance, but Bangladesh maintained that due to its geographical location within the concavity of the Bay of Bengal, a delimitation based on equidistance would be inequitable, as it would cause a 'cut-off effect'.[74] Earlier as the disputants failed to resolve their maritime disputes through negotiations. Then after, on 8 October 2009, Bangladesh instituted arbitral proceedings against India pursuant to Annex VII of United Nations Conventions on Laws On Seas. Bangladesh also instituted Annex VII arbitration against Myanmar regarding the delimitation of their maritime boundaries on the same day, but that case was transferred to International Tribunal Law On Seas (ITLOS) in December 2009. After going through the hearings and other related proceedings, ITLOS delivered its judgment in the Bangladesh–Myanmar case on 14 March 2012.[75] Unlike this, India did not agree to submit the dispute to ITLOS, so an arbitral tribunal was constituted to settle the dispute in accordance with provisions of Annexure VII of UNCLOS. This annexure states that 'Subject to the provisions of Part XV, any party to a dispute may submit the dispute to the arbitral procedure provided for in this Annex by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of the claim and the grounds on which it is based'.[76]

After the judgment delivered by the PCA, India did not contest the jurisdiction of the tribunal. As informed by a Joint Secretary from the Ministry of External Affairs, the advice given by the officials was to contest the verdict of the court, but the political leadership did not agree with the advice. This award was somewhat similar to the ITLOS delivered in the Bangladesh–Myanmar case. Interesting and a bit surprised to a few commentators, three members of the PCA also earlier contributed to the ITLOS decision. To an extent, the PCA award substantiated the ITLOS earlier decision regarding the competence of international courts and tribunals to delimit outer continental shelf boundaries.[77]

[73]Ambast, Ashwita (2015, August 28) 'Divvying up the Bay of Bengal'. *The Hindu*. Retrieved from http://www.thehindu.com/opinion/op-ed/divvying-up-the-bay-of-bengal/article6254935.ece.

[74]Naomi Burke, Annex VII Arbitral Tribunal Delimits Maritime Border Between Bangladesh and India in the Bay of Bengal. Retrieved from https://www.asil.org/insights/volume/18/issue/20/annex-vii-arbitral-tribunal-delimits-maritime-boundary-between. Accessed on 10 Aug 2017.

[75]For this see http://www.un.org/depts/los/convention_agreements/texts/unclos/annex7.htm.

[76]Naomi Burke, Annex VII Arbitral Tribunal Delimits Maritime Border Between Bangladesh and India in the Bay of Bengal. Retrieved from https://www.asil.org/insights/volume/18/issue/20/annex-vii-arbitral-tribunal-delimits-maritime-boundary-between. Accessed on 10 Aug 2017.

[77]Ibid.

Conclusion

Time taken to implement the LBA between India and Bangladesh in 2016 after it was signed in 1974 shows the ups and downs in the bilateral relationships between the two countries. After one and half years of the assassination of Sheikh Mujib Ur Rahman in 1975, General Zia Ur Rahman assumed direct power in 1977. Under Zia, the military government tried to tilt away from India. This continued even under his successor General H. M. Ershad (1983–1990). After return of democracy in Bangladesh in 1991, its bilateral relationships with India began to change. Primarily, under the prime ministership of Sheikh Hasina, India and Bangladesh have managed to address many of their bilateral disputes. LBA is one of them.

After the LBA was implemented between India and Bangladesh, as discussed in this chapter, a question is being discussed that whether this formula can be successful to address India's border disputes with its other neighbours. Looking into India's bilateral relationship with its other South Asian neighbours with whom it is engaged in border disputes, one can assume that in future India–Nepal and India–Sri Lanka territorial disputes may get addressed; but, taking into present status of bilateral relationships, it is almost impossible to address India's territorial disputes with China and Pakistan, respectively. The growing nationalism in India and its construction on anti-Pakistan narratives and popular rhetoric close the options for the policymakers to make any adjustments and compromises which are essential to address India–Pakistan border disputes. Likewise in case of India–China relationships, though the rhetoric is not very strong, it keeps on erupting at a regular time and space. Implementation of the LBA was possible because both sides were ready to make compromises and adjustments to address other concerns.

As discussed, in this chapter with the implementation of the LBA in 2016, the physical demarcation of the India–Bangladesh border disputes has been resolved; however, associated problems with the border remain a cause of tensions between the two countries. The problems do not end with after one get inside the other's territory rather it follows those who cross the India–Bangladesh border line. Their identity is a cause of violence against them. The immigrants and trespassers wear multiple identities. Out of those identities, one predominates over the other according to time and space and became reasons for attracting violence against them.

References

1. Sisson, Richard and Leo E. Rose. 1990. *War and Secession: Pakistan, India and the Creation of Bangladesh,* 149. Berkeley, Los Angeles: Oxford University of California Press.
2. Gandhi, Indira. 1972. *India and Bangladesh: Selected speeches and statements March to December 197,* 17. New Delhi: Orient Longman. Also cited in Meher, Jagmohan. 2015. Dynamics of Pakistan's disintegration: The case of East Pakistan. *India Quarterly* 71(4): 300–334.

3. Raghavan, 2013. *1971: A Global History of the Creation of Bangladesh*. Ranikhet: Permanent Black.
4. Shewly, H.J. 2008. *Master's Thesis Border Management and Post 9/11 Security Concerns: Implications for the India Bangladesh Border,* 35. Retrieved from etheses.dur.ac.uk/223p35. Accessed on 24 June 2016.
5. Abbas, B.M. 1982. *The Ganges Water Dispute*, 10. New Delhi: Vikas Publishing House Private Ltd.
6. Bhasin, A.S. 2003. *India–Bangladesh Relations: Documents-1971-2002*, vol. 4. New Delhi: Geetika Press.
7. Datta, Antara. 2013. *Refugees and Borders in South Asia: The Great Exodus of 1971*. London and New Delhi: Routledge.
8. Matthew, Phillips. 2014. Resolving the Absurd Indo-Bangladesh Border Complexities. *The Diplomat*.
9. Yasmeen, I. 2016. Bangladesh and Great Powers. In *Routledge Handbook of Contemporary Bangladesh*, ed. Riaz Ali, and Mohammad Sajjadur Rahman, 389–401. New York: Routledge.
10. Ghosh, Suchitra. 1995. *China–Bangladesh–India Tangle Today: Towards a Solution?* 17. Kolkata: Sterling Publishers Pvt. Limited.

Chapter 5
Post-LBA Dynamics: An Assessment

In 2015 after India and Bangladesh signed the LBA, it was believed that the all existing border related issues have been resolved between the two countries; but border-related humanitarian problems still cause tensions between them. Legally, it is not permissible to cross into another country's sovereign space without legal documents, yet those who do not have the papers, do cross the border line because of various reasons mentioned in the earlier chapters. On India–Bangladesh border, this is not a new phenomenon rather happening since decades. Over the years, the cross-border movement of population has created a humanitarian crisis on India–Bangladesh border, due to which India–Bangladesh border is also known as 'killer border'.[1] Often, even after individuals managed to enter into the other side of the border they face many associated problems, due to their religious, legal and political identities. These identities are often being imposed by the host while contested by those who are identified so. The best way to construct the identity is through giving a name to the community which has been done, especially in Assam. In Assam, the Bangladeshi immigrants are called from various names like Muslims from East Bengal, *bohiragoto* (outsider), *bideshi* (foreigner), 'illegal migrants', 'illegal immigrants', 'invaders', 'Bengali peasantry', 'land-hungry Muslims', 'land grabbers', 'Mia Muslims', etc.[2] Over the years, all such names have become common. Now all such words are used for Muslims, no matter whether he/she is immigrant or local. This identity-based identification of people and problems associated with it, is not a new development rather this exists since the British colonial period in India. This confrontation and related tensions between us and them have its impact on almost all who are living in the region since centuries. In this chapter, post-LBA dynamics have been discussed. Also, an attempt has been made to sketch out how the LBA is going to address many humanitarian issues discussed in the later part of the chapter.

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[1]Schendel [1].
[2]Shamshad [2].

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6_5

Population Movement Along the India–Bangladesh Border: Identity and Violence

As there is no complete data with the Indian Home Ministry on the approximate number of Bangladeshi citizens present in India, different numbers are being presented by different agencies. Most of such data are what Samir Guha Roy, of the Indian Statistical Institute in Calcutta, says are ‘motivatedly exaggerated’ to create fear among the people by constructing tensions between ‘us’ and ‘them’.[3] However, there is no denial of the fact that there are people from Bangladesh living in parts of Indian Territory. The numbers can be debated, so is the time period of movement of population across the border, mainly from Bangladesh to India. According to the United Nations Children’s Fund profile on migration estimate in 2013 around 3.2 million Bangladeshis were in India.[4]

The migrants can be categorized into two groups: first, those who crossed the border before or after 25 March 1971 as refugee[5] and; those who cross the border at regular interval of time for various purposes including to maintain their kinship relationship,[6] etc. Besides them, there is a history of the population who immigrated during the colonial days and before that. At present their identity is also being questioned, and they too are now regarded by many as ‘outsiders’, though historical. However, the movement of population is not one-sided rather people from both sides cross into the other territory. From India, the migration to Bangladesh takes place through marriages and of low-skilled labourers in the mainly agricultural sector of Bangladesh which is considered to be relatively more developed than the Indian states bordering Bangladesh. The Bangladeshi garment factories too attract a few low or non-skilled Indian labourers into Bangladesh. These besides others like businessmen, professionals like doctors, etc. They go to Bangladesh for both long term as well as for short term. Almost all of them excluding, most of those who are engaged in non-organized sector and criminals cross the border with legal documents. According to certain data their numbers are, often exaggeratedly estimated at

[3]Cited in Ahmed [3].

[4]United Nations Children Fund, Bangladesh: Migration Profile, 2013. Retrieved from https://esa.un.org/miggmgprofiles/indicators/files/Bangladesh.pdf. Accessed on 13 November 2015.

[5]As the Pakistani Army started Operation Searchlight in Bangladesh killing, torturing and raping many people, many Bangladeshi citizens, especially from border areas, crossed into Indian borders. At that time, as a refugee, they were welcomed, but problem started after the war ended and the number of refugees ‘crowded’ into the cities. The Government of India decided that those who entered into Indian territory before 25 March 1971 to be as Indian citizen. This had been contested by the All Assam Student’s Union (AASU). The Government of India set up Illegal Migration (Determination Tribunal) in 1983 to tackle the issue but it was challenged in the Supreme Court, which in 2005 struck down the Act. The main problem the Hindu right wing groups have is with the Muslims and not with the Hindu migrants. See Datta [4].

[6]Border is not effective (physical) in nature they also have affective values. Many people in south Asia cross into other side of the border because he/she has a relative there. In case, one does not have documents to do so he/she crosses physical border by any available means.

around 500,000. Most of them are from West Bengal, Meghalaya, Assam, Tripura and Mizoram. These Indians, as per an estimate, remit $3716 million to their home country.[7]

In 1826 Assam became a part of British India. A few years after it became a part of British India in 1830s tea plantation was introduced at large scale by the British in the region. Once the industry developed, to work in the plantation sector the British brought people—mostly tribal—from the present Indian states of Bihar, Jharkhand, West Bengal, Odisha, Telangana and Andhra Pradesh. Subsequently, workers from East Bengal pulled to work in those sectors, and many were brought to do the job. Most of such workers were brought by the *Assam Company*.[8] At that time bringing the labourers to the region was not an easy work, it involved a change in the existing laws in the region. To ease the process, from 1863 to 1901 a series of enactments were passed by the colonial government. Those regulations had twofold objectives: ensure the employers the services of the labourers imported by him for a period sufficiently long enough to enable him or the company to recoup the cost of recruiting and bringing them to the garden and; simultaneously to protect the labourers against fraudulent recruitment, providing for them a proper and sanitary system of transport, and securing their good treatment and adequate remuneration during the term of their labour contracts.[9] Soon after tea plantation, in the late nineteenth century, the presence of oil in the region was detected in the state. This attracted more labourers to come to the state and work in the newly started oil company in Assam. Hence, both the discoveries transformed the demographic composition of colonial Assam,[10] and, even at present, is a root cause of ethnic violence in the state.

Gradually, these immigrants settled down and those who arrived even looked beyond the two sectors-oil industry and tea plantation. Earlier, some of the Bengali-speaking Muslims from Mymensingh district of East Bengal migrated into some of the areas of Assam which were a jungle. After arrival, of those migrant labourers it was possible to open up the huge tracts of the dense jungles along the south bank of the Brahmaputra for settlement.[11] Since then many from other parts of the East Bengal migrated into Assam with an eye on land. This brought tensions in Assam. As most of those migrants after clearing the jungles started settling down there, they got engaged in a clash with the natives who saw them as encroachers of their land.[12] Due to such migration, there was an increase of Muslims population

[7]'15 Nations sending Highest Remittances to India' (22 May 2013). Retrieved from http://www.siliconindia.com/news/business/15-Nations-Sending-Highest-Remittances-to-India-nid-147515-cid-3.html. Accessed on 13 January 2017.

[8]Gait [5].

[9]Ibid.

[10]Datta [4].

[11]Ibid.

[12]Ibid.

from 214,510 in 1881 to 1303,902 in 1944.[13] There was an increase in total food crop area in Assam which was 32,960 acres in 1881 reached to 88,97,000 acres in 1947–48.[14] This has its impact on food production. Jute and sugarcane cultivation saw an increase in their production. Not only the practice of shifting agriculture but also the tea planters' recommendations had led to clearance of acres of forest lands. They prepared the lands for tea plantation by using migrant workers. One such recommendation was issued from William Roberts from Jorehaut Tea Company to the new planters. Also, the forest lands were superior in quality, and so expected to be yield high amount of product.[15]

The dispute between those who had come to Assam to take an advantage of the economic opportunities it presented, and those who resented their presence, have a history that dates back to the early colonial period. To manage the disputes and appease the Assamese middle class in 1916, the British government devised the Line System and implemented it in 1920 first in Nowgong district and Barpeta subdivision.[16] This prevented migrant peasants from purchasing land within specified areas and forced a large number of them to riverine areas, thus segregating them from the indigenous people.[17] There was a division on the introduction of Line System between the Hindu and Muslim members of the assembly, who moved resolutions in favour and against its introduction. The deadlock could not be broken because of the repeated collapse of the Saadulla government and the political steadfastness of the individuals on their position over the introduction of such system. The 'Grow More Food' slogan which turned out to be, as documented by many then officials as, 'Grow More Muslims' was one of the ways the government adopted to gradually abolish the impact of the Line System on the migrants.[18] The gradual increase in the population of Muslims in Assam made census commissioner, C.S. Mulan to state in 1931 that "Immigration is likely to alter permanently the whole future of Assam and to destroy more surely than the Burmese invasion of 1820, the whole structure of Assamese culture and civilization". He added that "in another thirty years it was not improbable that Sibsagar district will be only part of Assam in which the Assamese will find itself at home".[19] This projection, as Amalendu Guha [11, 212] had termed was 'mischievous and blatantly fallacious', aimed at setting 'the Assamese and the immigrants…against each other'.[20]

Earlier, it was the immigration of Hindu Bengalis to urban areas that became a persistent source of tension, than the immigration of Muslim Bengali peasants. These Hindu Bengalis, many of whom settled in Sylhet, came in search of jobs in

[13]Nag [6].
[14]Ibid 101.
[15]Baruah [7].
[16]Nag [8].
[17]Datta [4].
[18]Nag [9].
[19]Cited in Baruah [10].
[20]Guha [11].

the medical, legal and teaching professions. Resentment towards them and, particularly, the Sylhetis emanated from middle-class Assamese, who found themselves pushed out of plum posts in the colonial period by the better-educated Bengalis.[21] As the Bengalis were proud of their culture, they did not show any inclination towards assimilation with the culture of the region and willingness to learn the language and become 'Assamese'.[22] Unlike them, there developed a community who are known as '*Na-Asamiya*' or the 'new Assamese'. They were originally Bengali Muslims but who, through a process of integration, now accepted Assamese as their native language. Thus, many of those marked as 'foreigners' moved towards assimilation by sending their children to Assamese medium schools and recording Assamese as their mother tongue at the census.[23] As a result, between 1911 and 1971, those claiming Assamese as their first language in the Census increased by 966 percent while there was an increase of 64 percent in the number of Bengali speakers.[24]

The second reason for the movement of population from East Bengal to Assam during colonial times is the great famine of 1942–43. During those years around three million people in Bengal, mainly in East, died due to starvation, while a few made a profit out of it.[25] The reason for that famine was not the decrease in production but the distribution of food grains among the people by the British India state. As the World War was on-going due to fear from the advancing Japanese forces in East and Southeast Asia, near to the border of India, the British stopped plying boats in the rivers of Bengal. At many places, those boats were the only means of communication and used to transport food grains to the hinterland areas of Bengal from the nearby cities. Also, as the trains were engaged into transferring soldiers to fight the Empire's war, huge quantity of food grains were destroyed on railway stations itself. In some cases, as most of the *coolies* (good's carrier on railway stations or bus stands) from the railway stations were engaged in some or the other ways in the World War by the British empire there were none to carry the sacks of food grains from the railway stations and load them on motors or boats so that they could be transported to the nearby markets or could reach to people.[26]

Due to the mentioned historical reasons, at the time of the independence and partition of India in 1947, migration was an important issue to the Assamese. In the constituent assembly of India, Omeo Kumar Das speaking in support of having more scope for the Provinces on various issues placed in the Union list said[27]: 'We know how mass migration into Assam has altered the very complexion of the

[21]Datta [4].

[22]Ibid.

[23]Ibid.

[24]Ibid.

[25]Mukherjee [12].

[26]See, Khan [13] and Raghavan [14].

[27]'Report of the Union Powers Committee' *Constituent Assembly Debate: Official Report*, Second Reprint, Volume V p. 95. Reprinted by Lok Sabha Secretariat: New Delhi.

population. It has disturbed the relative distribution in population. With the Communal Award and communal representation it was not fair to us to allow mass migration on a large scale and in spite of the evictions that have been carried out in our Province, I still find a large number of people who are not people of the Province but only trespassers into government lands, still hanging on to the Province, living with their relatives…If Assam which is the homeland of the Assamese people, if they cannot be protected, for myself, I think I have no justification to come to this House. Assamese people have a culture distinct from other provinces. Assamese people have a language which is a separate language and which though Sanskritic in origin has got Tibetan and Burma influences and we must protect the Assamese people. In this view of the case I appeal to the Mover of this motion to provide scope for action by the province'.

Moving away from history, the natural conditions and geographical location of Bangladesh have also played a crucial role in pushing the people from that region into West Bengal and present northeast states of India. Although not hunger-related issues, in contemporary times Bangladesh's geography, phenomenon of climate change and its economy act as a push factor to the migrants. Eighty percent area of Bangladesh is situated in floodplains of Ganges, Brahmaputra, Meghna and many other small rivers. Due to their characteristic, these deltaic rivers keep on changing their courses, causing floods and submerge *chars* (silt areas).[28] This phenomenon leads to displacement of people every flood year. It also causes loss of standing crops which discourages continuation of agricultural practices, especially by small and medium range[29] farmers. On an average during the period of 1962–1988, Bangladesh has lost about 0.5 million tons of rice annually as a result of floods which accounts for nearly about 30 percent of Bangladesh's average annual food grain imports.[30] In Bangladesh, the phenomenon of the Climate change has caused to occurring of floods and cyclones at frequent intervals of time. This has contributed to internal and external migration.

Most of the Climate Refugees, as they are called, prefers to live within Bangladesh's border, but some do cross into Indian side.[31] According to the United Nations Environment Programme (UNEP)'s Executive Director Achin Steiner, 'From 1990 to 2008 Bangladesh averaged annual losses of 1.8 percent of the country's GDP due to natural disasters, yet it is important to remember that addressing the impact of climate change is more than just a question of economics.

[28]Van Schendel [15].

[29]This division is on the basis of farm land a farmer owns. According to Food and Agriculture Organization, the small farmers own between 1 and 1.99 hectare acres (ha) of land while medium farmer owns 5–9.99 ha. Average size of land holding in Bangladesh, according to 2005 Agricultural Survey Report carried out by Bangladesh is 0.3 ha. Asia and Pacific Commission on Agricultural Statistics: Twenty-Third Session. Retrieved from www.fao.org/fileadmin/…/ess/…/APCAS-10-28_-Small_farmers.pdf on 18 Sept 2015.

[30]South Asia Development and Cooperation Report: Economic Integration for Peace-Creating 2015 *Research and Information System for Developing Countries* New Delhi.

[31]Rashid and Paul [16].

High tides in coastal areas of the country are rising faster than the global average, which leads to loss of livelihoods and displacement'.[32] He adds that 'By 2050 it is estimated that one in every seven people in Bangladesh is likely to be displaced by climate change, and they are also likely to move to urban centres already burdened with meeting the needs of a dense population'.[33] Looking into the situation, one can analyse that if it remains 'business as usual' the situation will become severe by 2100. According to United Nation's Report on Climate Change and Health released on 17 November 2015, an average 7.2 million people in Bangladesh could be affected by flooding due to sea level rise between 2070 and 2100 if there were no large investments in adaptation. This will cause large-scale displacement,[34] which, in turn, further increasing the number of climate refugees from Bangladesh to the adjoining countries, mainly into India. To tackle this situation, the Bangladesh government has come out with a plan called Delta Plan 2100, whose objective is to manage frequent floods and damages done due to climate change. The Netherlands has assured its assistance and support to complete this plan.[35]

Bangladesh's economy is stable, and has been able to maintain between five and six percent Gross Domestic Product (GDP) for the past two decades. Also, it has one of the most progressive social sector indicators in South Asia. Yet all of them are not enough to occupy all skilled, semi-skilled and non-skilled workers from the country. According to the World Bank's statistics, Bangladesh comes under the category of Least Developed Countries, and it is one of the poorest countries in the world with 43 percent people living on less than $1.25 per day. In Bangladesh, chronic under-nutrition affects about 6–7 million children under the age of 5 years.[36] The rate of stunting among the children in Bangladesh is 36 percent, which is still high, but dropped down from 41 percent in 2011 and is better than India and Pakistan.[37] To evade poverty, unemployment and underemployment, many Bangladeshi migrate to other countries.

At present, these climate refugees and other non-skilled or semi-skilled workers do create tensions between the local population and the guests, but major source clashes in the name of identity are those who crossed into the Indian side of the border after Pakistan army unleash violence on Bengali-speaking people from East Pakistan in 1971. Mainly, in Assam this issue has led to violence and communal riots. It is because 'the Assamese often think of themselves as a 'forgotten' and 'neglected' state within the Indian Union and as a neglected people in danger of

[32]'Bangladesh PM Sheikh Hasina gets Champion of the Earth Programme' (15 September 2015) *The Daily Star*.

[33]Ibid.

[34]'More Diseases, More Deaths' (18 November 2015) *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/more-diseases-more-deaths-174082 on 18 November 2015.

[35]'Netherlands to help BD implement Delta Plan 2100' (2015, 4 November) *Daily Sun*. Retrieved from http://www.daily-sun.com/post/88377/Netherlands-to-help-BD-implement-Delta-Plan-2100 on 5 November 2015.

[36]Tisdall and Ridout [17].

[37]Ahmed [18].

being overwhelmed by migrant peoples absorbed by neighbouring states. This sense of being part has long roots begin with six hundred years they lived under the rule of the Ahoms'.[38]

With the rise of constructed belief worldwide that religion is the singular identity on which all other characters of individuals based on, many. In post-partitioned India, a major population movement from erstwhile East Bengal to northeast states have been witnessed in 1971. People from East Pakistan started crossing into India due to atrocities committed by the Pakistan Army and its collaborators from 25 March 1971. According to Indian government's estimate around ten million people from East Pakistan crossed into the Indian territory while the United Nations Human Commissioner for Refugees (UNHCR), put the number of those people crossing into the Indian border between 7.5 and 8.5 million.[39] As the number of refugees increased India intervened in the matters, it resulted into third India–Pakistan war in 1971 and liberation of Bangladesh.

Soon after the war ended, the process to repatriate the refugees began and by January 1972, it is maintained, around 3 million or one-third were sent back to Bangladesh.[40] Since then, unlike the Government of India, Bangladesh government maintains that there are no more war refugees left behind in India. It maintains that the last batch of 3,869 East Bangladeshis living in refugees camps in India left for Bangladesh in March 1972; although it accepted, at that time, that around 60,000 living with their relatives in India did not return by March 1972. The latter group was expected to go back by making their own arrangements.[41]

Like, Assam, in West Bengal too the clash on with the 'outsider' and the question of identity were issues since 1947 when, by 1950, due to partition about three million people from East Bengal swarmed into West Bengal. Due to it, by 1951 West Bengal found itself in a difficult economic position. It did not have enough food grains for all. Calcutta was particularly affected utmost because most of the refugees were attracted by the city. The *Bhadralok* East Bengal was in a confrontation with their counterparts from the West.[42] The former made claim about their role in the independence of India and paid price for it while the latter saw the East Bengali as a carrier of a tradition of political activism.[43] To address the rehabilitation and settlement of refugees in 1948 Dandakaranya Project Area (DPA) was envisaged. The project area cover about 77,700 km^2 was created comprising a few districts of Odisha, present Chhattisgarh and Madhya Pradesh. The DPA was established in 1958. Due to the bareness of a large part of the DPA, it

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[38]Weiner [19].

[39]UNHCR Report [20].

[40]Millions Return to Bangladesh' (17 January 1972) *The Bryan Times*. Retrieved from http://news.google.com/newspapers?id=b08LAAAAIBAJ&sjid=a1IDAAAAIBAJ&pg=5268,831408&dq=bangladesh&hl=en. Accessed on 7 April 2017.

[41]Bangladesh Genocide Archive. Retrieved from http://www.genocidebangladesh.org/refugees/. Accessed on 7 April 2017.

[42]Chatterji [21].

[43]Ibid.

was inhospitable to many refugees, where they were reluctant to live. To attract those Bengali-speaking populations from DPA, in 1975 during his visit to Bhilai in then Madhya Pradesh to address the workers,[44] Jyoti Basu promised them to get a settlement in Sundarbans.[45] Encouraged from his promises made to them, after Basu became Chief Minister of West Bengal, many Bengali residents from the DPA moved to Bengal. As the promises were not kept by the Chief Minister of West Bengal, many of them started settling down in Marichjhapi, in Sundarbans. State reacted against that. They were seen as encroachers and in January 1979 police used violence to uproot them. Many died due to it.[46] The Marichjhapi incident still creates ripples in the state politics of West Bengal. In 2011 assembly elections when the left rule ended in West Bengal Mamata Banerjee, the present Chief Minister, made one among many promises to set up an inquiry commission to reveal the truth of Marichjhapi incident. She also promised to punish the guilty. Although Ms. Banerjee is in her second term as the Chief Minister of the state, nothing substantive has been done to fulfil that promise.

There were also tribal people from Chittagong Hill Tracts (CHT), Bangladesh who had sought shelter mainly in India because of violence unleashed on them in East Pakistan, and later by Bangladesh. The Peace Accord was signed in 1997 to end the two-decade-long conflict between the people of CHT and the Bangladesh government. After the accord, out of the total number of people estimated to be around 70,000 who crossed into the Indian side of the border, it is being maintained that around 62,000 were brought back to Bangladesh and rehabilitated in the country.[47] A few of the Chakma refugees who fled the CHT in the 1960s and living in different states of northeast states have been accorded with Indian citizenship in 2017. However, they cannot own land in the Indian state of Arunachal Pradesh and have to apply for permission under the Inner Line Permit to reside there.

As mentioned above, like in history, even today, the basic issue in Assam is control and possession over land.[48] The identity is being asserted and used to establish such hold over lands. Often, the violent clashes rising between the Bodos and Muslims have been termed as 'communal' between Hindus and Muslims, which they are not. 12 percent of Bodos are Christian and majority of them follows Brahma sect and traditional Bathou religion.[49] Ethnic and religious composition of the area is 35 percent are Bodos, 20 percent are Muslims, a few tribals and non-tribal groups are about 30 percent and then there are Assamese Hindus, Bengali Hindus, etc.[50]

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[44]Sen [22].

[45]Sen [22].

[46]Ibid.

[47]Hasina [23].

[48]Hazarika [24].

[49]Mishra [25].

[50]Hazarika [24].

Primary reasons for the attacks on the ‘refugees’ or ‘immigrants’ are: burden on resources and construction of ‘other (ness)’. Most of the migrants add to the manual workforce in Assam and other adjoining states of India. They are primarily engaged as rickshaw pullers, house construction workers, house painters, gardner, daily wage labourers, etc. These migrant workers work very hard, at odd hours and in the most arduous activities which local Assamese labourers are unwilling to do. Significantly, they work at cheap rates.[51] This creates tensions among the working class, who feel that the migrants are taking away their jobs. Often, this class polarization takes a shape of communal riot because most of the Bangladeshi migrants are Muslims while the locals are Hindus.

As mentioned during the colonial days, language and culture, not religion which was considered to be an important factor to distinguish between ‘us’ and ‘them’. Due to it, many Muslim migrants from the East Bengal learned the Assamese language for assimilation. They had been accepted as *Na-Asamiya.* After 1971, the definition of ‘otherness’ has gradually changed. For majority, religion, and not cultural traits, has become the main marker to define ‘others’. The communal riots have taken place in Assam at frequent interval, and this is a reason why even violence between Bodos and Muslim over land issues are bracketed as communal.

Also, there have been instances, especially in Assam, when people who allegedly recognized as migrants, often, turned to be displaced people from the *Chars* on the Indian side of the border. Most of those Chars are populated by Muslims of East Bengali descent, who moved there in the later decades of the Colonial era.[52] Looking into the issue, Bonojit Hussain finds out that Assam Government’s socio-economic survey in 1992–93 and 2002–03 says a different story. According to that survey, Char dwellers constituted 9.35 percent of the total population of Assam. The population density in the Char area was 690 persons per km^2 (Assam’s overall density in 2001 was 340 person per km^2). Between 1992–93 and 2002–03 literacy rate in Char area increased marginally from 15.45 to 19.31 percent (Assam’s overall literacy rate in 2001 was 63.25 percent). Economically, in 2002–03, around 67.90 percent of Char dwellers lived below the poverty line. This was an increase of about 19 percent from 1992 to 93 (34 percent of Assam’s population was below the poverty line in 2001).[53] To find support, Hussain cites a study made by Dr. Gorky Chakraborty in the chars of Barpeta district. Gorky’s study reveals that ‘during the period (1989–98) when there was no high-intensity flood in Assam, 45 percent of the total households were affected and 51 percent of the total land was lost by the surveyed char households. Similar study over a period of 25 years (1980–2004) in the Beki River, a tributary of the Brahmaputra in Barpeta district reveals that 77 percent of the surveyed households suffered due to land erosion and 94 percent of their land was lost’.[54] Due to it, over the years more than about two

[51]Goswami [26].

[52]Hussain [27].

[53]Ibid.

[54]Ibid.

million Muslims have been displaced and migrated to cities within Assam as well beyond to the Indian metro cities.[55]

One such land-related clash which had communal tone because of relations of the perpetrators with the groups in was a massacre in 1983 at Nellie. In that, more than 2,000 migrants were killed. The root to this massacre can be located in the anti-foreigners movement in Assam which was spearheaded by many organizations like AASU, All Assam Gana Sangram Parishad (AAGSP), and it also had sympathizer as Gauhati University Teachers Association (GUTA) whose some of the members were at the frontline of the movement.[56] In this, the local tribes like Tiwas, the Karbis, the Mishings, the Rabhas and the Kochas attacked the Muslim immigrants. An immediate reason for the massacre was the participation of a large number of Muslims in 1983 election which was called on by the AASU and others to be boycotted. The AASU wanted a revision of the electoral rolls before the elections. It entered into talks with the Union government over the matter but did not get success.[57] As soon as elections to 126 members of Assam assembly were announced a large number of such violence took place in Assam and Nellie was one of the most dastardly among them. After the massacre, a few of the Muslim members of the AASU left the organization because of its anti-Muslim tone. Undercover tensions between Muslims, of whom most were migrants, and the tribes were mainly on the issue of lands. Traditionally, the Tiwas and Bodos were the occupants of the land, but gradually they lost most of them to the Muslim migrants who bought a significant acre of lands by paying the tribes the cost. This has been practiced despite the government's provision to reserve the land for the tribes and non-entry or possession by the outsiders. The groups like AASU and AAGSP highlighted this alienation of tribes and projected the Muslims as their land grabbers.[58] According to non-official justice (retd) T.U Mehta commission report, out of the total victims at Nellie, 70 percent were women, 20 percent were elders and 10 percent were men.[59] This commission in its report said that there was a cordial relationship between the groups before the elections. It alleged elections related discords as a reason for disharmony between the groups. The official commission was headed by Tribhuwan Prasad Tewary. The report alleged that it was police inaction which led to such massacre at Nellie.[60] Despite all arguments, it was the issue of land which created fissures among the groups and was the primary reason for that massacre, and also for the subsequent violence in Assam. It has to be also taken into account that the 'anti-foreigner' groups may not directly participate in the violence they do necessary fomented them by using the issue for their purposes.[61]

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[55]Kaustubh Deka [28].

[56]Kimura [29].

[57]Ibid.

[58]Ibid.

[59]Ibid.

[60]Ibid.

[61]Ibid.

However, one has to note that the tribes followed the groups because they wanted to. Hence, it is they who were responsible for Nellie and later Muslim-tribe clashes, more than anyone else.

The 1983 massacre and other election related, mainly, communal violence developed fissure on Assamese nationalism. It more or less divided people on the basis of religion. Dr. Bhupen Hazarika, a legendary singer of India from Assam composed of a ballad '1983-the year of the devastating fire-the year of election' about a little brother who was killed during the election-related violence in Assam.[62] In the late 1980s, the Assamese nationalism took a militant form after the rise of United Liberation Front of Assam (ULFA). An early expression of Assamese nationalism was after the formation of Assam Sahitya Sabha with its motto 'My mother language-my eternal love'. The Sabha adopted this in 1917 in its first session.[63] Over the years, as identity politics was on the rise, the culture, language and ethnicity basis of nationalism replaced religion. Unlike many others, in its early years, the ULFA advocated for borderless nationalism of Assamese. The insurgent group emphasizes upon the unity of the indigenous peoples—both the Assamese of Assam and those who live in areas that have been separated out from Assam.[64] This nationalism is important to in the light of demands of Bodos to carve out their territory out of Assam. One of the earliest such demands for 'plain tribals' of Assam then called as 'Udayachal' was made in 1967 by Plains Tribal Council of Assam.[65] Later, after the new generation of Bodo took over they started making demands for greater economic and educational needs which they emphasized only in a Bodo-dominated the separate state. All Bodo Students Union (ABSU) is the most important organization campaigning for Bodoland. For some of the Bodos, ULFA remains an ethnic Assamese organization which they feel they are not.[66]

As the movement of population across India–Bangladesh border is an age old practice, it still occurs even after the signing of the LBA. This movement of population has catalyzed the identity-based politics in border areas of India from a long time. In recent years during 2016 to attract voters and strengthen its political base in Assam, the BJP-led Hindutva group appealed people to vote for the protection of their *maati, bheti and jati* (land, hearth and nationality).[67] The slogan had strongly attracted the indigenous Assamese and all the ethnic groups. After winning elections, the BJP government promised to adopt strong measures to virtually stop the cross-border movement from Bangladesh to Assam. In consonance with the state government, the Government of India has decided to completely seal the India–Bangladesh border by June 2017.

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[62]Baruah [7], p. 132).

[63]Ibid.

[64]Ibid.

[65]Baruh [30].

[66]Ibid.

[67]Misra [31].

In Bengal, since ages old identity-based differences between *Ghoti* and *Bangal* exist. The former term is used for people from the West Bengal while the latter is for people from East Bengal (Bangladesh). Ghoti claim themselves ethnically superior to the Bangal. This difference became stronger after the partition of India when many Hindus from East Bengal arrived in West Bengal. Out of 1.1 million Hindus who came to West Bengal from the east by 1 June 1948 about 350,000 were urban people while 550,000 were the rural Hindu gentry and rest of them were businessmen.[68] Caste wise it was a mix from both upper and lower castes. In West Bengal, when they came they attracted both caste-based and regional identity issues. For the West Bengal's *bhadralok's* even their caste counterparts from East Bengal were 'different' people. The differences between *Ghoti* and *Bangal* still persists somewhere in the minds of people from the two parts of Bengal. On this, Angana Guha Roy in an electronic mail to the author writes that 'I, Angana Guha Roy is the great granddaughter of late. Kedarnath Guha Roy (son of Jadunath Guha Roy, descendant of Maharaja Pratapaditya Roy).

Late. Kedarnath Guha Roy, was the landlord of Noakhali in Bengal Presidency. Chased by the British government Late. Kedarnath Guha Roy, a freedom fighter along with his family shifted to Calcutta district in 1942, where he continued to be a part of it. He is the brother of famous freedom fighter and biographer Nagendra Kumar Guha Roy.

Eventually, the property in Noakhali was confiscated by the government and they continued to stay at the ancestral home in Calcutta district. The custom and tradition of our family is deeply influenced by Guru Kaibalyanath, an Indian mystic and yogi in nineteenth-century India.

My grandmother, Mrs. Anjali Guha Roy says, we are 'Bangal'. The aboriginals of the eastern part of Bengal Presidency referred as 'Bangal' even now do not prefer inter-cultural marriages to the aboriginals of Western Bengal termed as 'Ghoti'. She used to tell us, 'The difference in customs and tradition among the Bengali population was more apparent after the partition of Bengal in 1905. It eventually became more prominent after the war of 1971 when huge Bengali population from Bangladesh migrated to West Bengal. It was more a mental divide that affected the different dimensions of people including sport (particularly football), cuisines and other cultural affinities. Even now, the traditional families talk about the cultural barriers.

If you travel to the suburban districts of Bengal you will find localities also divided on the basis of Bangal and Ghoti traditions and culture.

If hockey is the national sport of India, Football is the national sport of Bengalis. The most popular football clubs of present-day West Bengal, East Bengal and Mohun Bagan Club is said to be the representatives of the Bangal and Ghoti spirit respectively. The club-level tournaments escalate tension as much as India–Pakistan cricket match. In one of the incidents on 16th August 1980, 16 people died while watching the Kolkata Derby in Eden Gardens.

[68] Sen [22].

Upon winning a tournament, East Bengal club and its followers (the Bangals) celebrate eating Tenualosa illisha while the Mohun Bagan Club celebrates eating Tiger prawns.

Today my family is settled across the world. We all meet each other once in a year in the traditional family Durga Puja. Our generation has majorly eroded such selective customs but the older generation still inherits the mental barrier. Although our generation does not think in their lines we try to follow the customs when the family is celebrating a common festival.

As it is a worldwide phenomenon, where after settling down the erstwhile migrants turns strongly against migrants or sometimes even politically and physically opposes any migration into the land where their forefathers landed as migrants years or decades ago. The case is similar in West Bengal where many erstwhile Hindu migrants oppose any form of migration into the state. They often also opposed any move to improve political relationships between India and Bangladesh. One such group in West Bengal is Nikhil Banga Nagarik Sangha (All Bengal Citizen's Committee), an organization of Hindu migrants from Bangladesh in India which is opposed to India getting into close political relationships with Bangladesh. This may be because of the treatment met by the early generation of relatives of the members of this group in Bangladesh which had forced them to migrate to India.

As migration from Bangladesh into India is a tensed issue within India, the Bangladesh state denies that any such migration happens. On being asked about 'illegal' migrations from Bangladesh to India, Khaleda Zia, two-term Prime Minister of Bangladesh and leader of the BNP said: 'We heard this mentioned many times during the election campaign. We also heard about in the past. Nobody has given any clear proof that there are illegal immigrants from Bangladesh in India. Sushma Swaraj did not raise this issue. During elections, people say a lot of things to win—we too say a lot of things—but that does not mean everything will be implemented. And I don't think many Bangladeshis go to India… they are all doing quite well here'.[69]

In addition to the mass crossing of the border in 1971 which has created tensions between India and Bangladesh, there is also the day-to-day movement of population for taking up manual works across the border. Some of those who cross border line also found to be engaged in human trafficking. In India 'the trafficker can be charged under Sect. 366B of the IPC which states that importation of a female below the age of 21 years is a punishable offence. However, this provision is rarely implemented, as police officers are mostly unaware of its existence. Moreover, the penal clauses are not used adequately to bring the clients to justice'.[70] The problem multiplies with cross-national victim. There are a number of NGOs in West Bengal

[69]'I don't think many Bangladeshis go to India, they are doing quite well here'.

Khaleda Zia, two-term former Bangladesh PM, in conversation with Shubhajit Roy.(1 July 2014) *The Indian Express*. Retrieved from http://indianexpress.com/article/india/india-others/i-dont-think-many-bangladeshis-go-to-india-they-are-doing-quite-well-here/.

[70]Dixit [32].

which are working on internal human trafficking, but only a few take up cross-border trafficking of people. There are inadequate human resources poured into looking into such significant issue. To tackle the human trafficking, some of the activists suggest to set up transit homes on the India–Bangladesh border which will run by the NGOs in a collaboration with the Border Security Force (BSF).[71]

To address this issue of human trafficking especially of a girl, India and Bangladesh signed a MoU in 2015. In that MoU, the two countries has agreed to take preventive measures and protect the rights of victims of trafficking. They agreed to share a database on traffickers and also on victims of trafficking. The two countries also agreed on protection, repatriation and reintegration of the victims. The MoU set up a Joint Task Force comprising competent representatives from both countries to implement the MoU and see the necessary actions are being taken on the provisions.[72]

In addition to the migrants from Bangladesh, Northeast India also has people from Nepal. In fact, Nepalese constitute one of the largest immigrant communities in Northeast India. Their flow started during the British when many numbers of Nepalese were recruited in Imperial Army. After retirement, most of them stayed back and settled down in Northeast India. Also many migrated into the region after independence for economic reasons. In many parts, Nepalese had occupied large chunks of grassland and paddy fields.[73] This had caused uneasiness among the local people but has never led to large-scale protests about it, as is the case is with migrants from Bangladesh. This is mainly because of the latter's identity as a Muslim, Bengali and from Bangladesh. All the three makes them being other.

On the issue of identity of the migrants, there is a division in India. Some individuals or groups are ready to welcome Hindu migrants from Bangladesh but not Muslims while others are totally opposed to migration of anyone no matter what is the religion of the migrant. Those who oppose mainly talks about language and cultural aspects of the region. The differences on this issue further widened in 2016 when to placate its political constituency, the BJP-led NDA government came out with Citizenship amendment bill. This bill aims to make amendments in the Citizenship Act, 1955. Its highlights are[74]:

- To make illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship.

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[71]Ibid.

[72]Memorandum of Understanding between the Government of the People's Republic of Bangladesh and Government of Republic of India on Bilateral Cooperation for Prevention of Human Trafficking in Women and Children; Rescue, Recovery Repatriation and Reintegration of victims of Trafficking. Retrieved from www.mofa.gov.bd/sites/default/files/MoU%20on%20Human%20Trafficing.pd.

[73]Haokip [33].

[74]'The Citizenship (Amendment) Bill, 2016' *PRS Legislative Research.* Retrieved from http://www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348/. Accessed on 12 December 2017.

- The applicant must have resided in India during the last 12 months, and for 11 of the previous 14 years. The Bill relaxes this 11-year requirement to 6 years for persons belonging to the same six religions and three countries.

In Assam, Bengali association called 'Barak Upatyaka Banga Sahitya O Sanskriti Sammelan' extends its support to the amendment. In its memorandum submitted to the Joint Parliamentary Committee, the association stated that 'We are in favour of the Bill. But its language needs to be reworked and should reflect clear and unequivocal assurance of citizenship. The waiting period after application should be reduced to six months instead of six years as it currently seeks to provide'.[75] While AASU is against having any non-Assamese in Assam. In its statement against the bill, AASU stated that 'The centre notification to grant asylum and citizenship to illegal Hindu migrants from Bangladesh has already gone against the Assam Accord and is not acceptable to AASU'.[76]

Instead of welcoming Hindu migrants from Bangladesh and to deport the migrants, most of the groups in Assam have the longstanding demand to update NRC and deport the immigrants out of their State. In the 1980s, as tensions soared up over the status of immigrants, the government of India set up a tribunal to determine the migrants under the act called as Illegal Migrant (Determination by Tribunal) Act, 1983. This act was struck down by the SC in 2005. The SC transferred all pending cases under the IM (DT) Act to the Tribunals set up under Foreigners (Tribunals) Orders 1964. The most powerful voice against the migrants is of AASU which signed Assam Accord with the Union government of India and the Assam government in 1985. Clause 5.8 of the Accord states 'Foreigners who came to Assam on or after March 25 1971 shall continue to be detected, deleted and expelled in accordance with the law. Immediate and practical steps shall be taken to expel such foreigners'.[77] Clause 6 of the Accord states that 'Constitutional, legislative and administrative safeguards as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people'.[78]

The Accord does not talk, particularly, about the updating NRC but in Clause 8 it does mention about the issuing citizenship certificate by the central government. AASU had kept on demanding for updated NRC to which the Central government agreed in 2005. In 2010, a pilot NRC project was taken up in two Legislative Assembly Constituencies—Chaygaon and Barpeta. Chaygaon project was

[75]'Bengali Group Slams AASU for opposing Citizenship (Amendment) Bill, 2016' *India Today* 25 October 2016. Retrieved from http://indiatoday.intoday.in/story/bengali-group-slams-aasu-for-opposing-citizenship-amendment/1/795452.html. Accessed on 20 December 2016.

[76]AASU heat on Hindu Migrants *The Telegraph 25* June 2016 https://www.telegraphindia.com/1160626/jsp/frontpage/story_93301.jsp#.WG8oUNL5jIU. Accessed on 7 January 2017.

[77]Accord between AASU, AAGSP and the Central Government on the Foreign National Issue (Assam Accord) 15 August 1985. https://peacemaker.un.org/sites/peacemaker.un.org/files/IN_850815_Assam%20 Accord.pdf. Accessed on 25 October 2017.

[78]Ibid.

successfully completed but the work at Barpeta was stopped mid-way after the All Assam Minority Students Union (AAMSU) triggered violence in the region.[79]

Later, a Guwahati based non-government organization called Assam Public Works (APW) approached the Supreme Court on the issue of NRC. The SC after listening to the petition issued directives to the government in December 2014 to start the NRC process. The SC set a timeline for the process and later fix a deadline of 31 December 2017 to publish the first draft of the updated NRC.[80] Policy decisions, guidelines and funds for NRC updation are provided by the Union government but its implementation has to be carried out by the State Government machinery under the guidance of the Registrar General of India. In this situation, the Registrar General of India will function as the Registrar General of Citizen Registration under the provisions of Rule 15 of Citizenship Rules, 2003 amended in 2009 and 2010 respectively.

Following direction from the SC, the process to update NRC started in 2014 and the first draft was published on the midnight of 31 December 2017.

This was supported by AASU, APW, Assam Sanmilita Mahasangha (ASM), etc., who wants that there would be no outsider remain in Assam. On the other hand AAMSU, the Jamiat Ulema-e-Hind and a few other groups had expressed a fear that a large number of people—mostly Muslims—would be left out from the NRC.[81] In the backdrop of publication of the NRC, The government had identified 22 of the 32 districts as 'vulnerable' and 'trouble-prone'. Additional Director General of Police, Pallav Bhattacharya said that 'It is a fact that as many as 22 districts have been marked as vulnerable in the NRC context. These include Dhubri, Goalpara, South Salmara, Bongaigaon, Barpeta, Kokrajhar, Chirang, Baksa, Darrang, Udalguri, Dhemaji, Morigaon, Nagaon, Hojai, Cachar, Karimganj and Hailakandi'.[82]

There are two requirements for inclusion of names in the NRC[83]:

1. The first requirement is a collection of any one of the following documents of List A issued before midnight of 24 March, 1971, where the name of self or ancestor appears (to prove residence in Assam up to midnight of 24 March 1971).

   - 1951 NRC
   - Electoral Roll(s) up to 24th March 1971 (midnight)
   - Land and Tenancy Records
   - Citizenship Certificate

[79]Kashyap [34].

[80]Ibid.

[81]Kashyap [35].

[82]Ibid.

[83]"What Are the Admissible Documents?" Office of the Coordinator of National Registration, Assam, Government of Assam Retrieved from http://nrcassam.nic.in/admin-documents.html. Accessed on 4 January 2017.

- Permanent Residential Certificate
- Refugee Registration Certificate
- Passport
- Life Insurance Certificate (LIC)
- Any Govt.-issued License/Certificate
- Govt. Service/Employment Certificate
- Bank/Post Office Accounts
- Birth Certificate
- Board/University Educational Certificate
- Court Records/Processes.

According to the NRC office, ‘The Second requirement arises if name in any of the documents of List A is not of the applicant himself/herself but that of an ancestor, namely, father or mother or grandfather or grandmother or great grandfather or great grandmother (and so on) of the applicant. In such cases, the applicant shall have to submit documents as in List B below to establish relationship with such ancestor, i.e., father or mother or grandfather or grandmother or great grandfather or great grandmother etc. whose name appears in List A. Such documents shall have to be legally acceptable document which clearly proves such relationship’.[84] These documents are[85]:

- Birth Certificate
- Land document
- Board/University Certificate
- Bank/LIC/Post Office records
- Circle Officer/GP Secretary Certificate in case of married women
- Electoral Roll
- Ration Card
- Any other legally acceptable document

As the process is still going on and those whose names are not in the first draft of the published list are still under verification process, it is very difficult to draw any conclusion about the situation once the full list gets published. However, one thing is clear that those who do not have their names on the list would be in a problematic situation. The anti-migrant group would force the state government to deport them to Bangladesh while as, mentioned above, Bangladesh considers that they are no more their nationals in the Indian territory it would not take any one of those who would be deported. In such a situation, a few may turn into stateless people living on the border of India–Bangladesh.

[84]Ibid.

[85]Ibid.

Tensions Over 'Securing' Their Border from Violation

Before the LBA, physical demarcation of the border line between India and Bangladesh always created tensions between the border guards of the two countries. Often deliberately or inadvertently, the border guards get cross into the other side of the border line. Sometimes these incidents turned out to be violent one. But some had been peacefully resolved like the one in 1999 in Feni district over the dispute on land at Mahurir Char between India and Bangladesh. The security forces of the two countries agreed to maintain *status quo* on the 'disputed' land, and signed a memorandum of understanding in this regard at a flag meeting on 4 November 1999.[86] However, a few created clashes or created a situation pregnant with clashes, however, managed by the political leadership of the two countries. In 2000, BSF personals were attacked in Bangladesh enclave of South Mashaldanga near the international border demarcation pillar 974.[87] Then, in April 2001, mutilated bodies of BSF soldiers were found in Bangladesh side of India–Bangladesh border. At that time, the BDR and BSF clashed at Pyrdiwah and Boraibari border in the Indian state of Meghalaya. It resulted in the death of about 17 BSF men. The reason for the clash was after the BDR blocked a BSF post in Boraibari, the BSF retaliated by putting pressure on a BDR post in Boraibari. But the operation failed. The BDR opened fire. A few BSF men took shelter in the nearby paddy fields where they were spotted by the Bangladeshi villagers. The villagers attacked them with machetes.[88] The peace between the two sides was made after a telephonic talk between Indian Prime Minister Atal Bihari Vajpayee and his Bangladeshi counterpart Begum Sheikh Hasina. During the conversation, the latter emphasized that the recent border incident had once again highlighted the urgent need to complete the unfinished tasks of full implementation of the LBA signed in 1974 between Indira Gandhi and Sheikh Mujibur Rahman, which Hasina believed would help both sides from the recurrence of such unfortunate incidents.[89]

More than the tensions between the borders guards of both two countries, it is a seesaw game played at the border between the trespassers and the border guards which often turns out as a source of tensions between the border guards of the two respective countries. To deal with the trespassers sometimes even guns are fired by the border guards targeting them. Many such incidents have been reported in media. One such was killing of 15-year old Felani Khatun. In September 2013, Amiya Ghosh, an Indian border force constable who shot her dead at the India–Bangladesh border 3 years ago was acquitted. Later in 2015, National Human Rights Commission of India, after listening to petitions directed the Ministry of Home Affairs, Government of India to pay Indian Rupees 5 lakh to Felani Khatun's father as compensation.

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[86] Bhasin [36].

[87] Ibid., p. 2092.

[88] Vardarajan [37].

[89] Bhasin [36].

Not only human but also cattle cross through India–Bangladesh border, and like human cattle trafficking also creates tensions on the border. This has become more significant issue after coming into power of BJP-led NDA government in 2014. The government has taken stringent measures against cattle slaughtering in India and calls on to stop its export to neighbouring countries where they are being slaughtered and in demand. After taking over in 2014, the Union government under Modi has called on to curb the export of cattle for slaughtering in Bangladesh. Time and again, the Union Home Minister Rajnath Singh has exhorted the BSF personnel to ensure a complete clampdown on cattle smuggling to Bangladesh.[90] According to the media reports, the cattle smuggling which often becomes 'root cause' for firing incidents across the Indo–Bangla border, has dwindled to about one percent in 2015 after India's clampdown on the illegal trade.

North 24 Parganas share the second largest frontier with Bangladesh and is notoriously known for cattle smuggling. In Bangladesh, this area is being commanded by an Additional Director General rank officer of the BGB. After 2014, cow smuggling incidents across the Indo–Bangladesh border on North 24 Parganas have come down to about 1 percent as compared to the statistics of sometime back. In an interaction with the Indian journalists at commands headquarters, the Commander of the Border Guards Bangladesh's (BGB) South-West Region Md Khalilur Rahman told that in 2015 there were about 11,000 cattle coming in a day but in 2016 the figures were only about 200–300.[91] This slow down had been accepted by the traders and officials from Bangladesh too. He said that 'We are not getting any cattle from India now and this has prompted us to ask our countrymen to rear our own cattle. During the recent Eid celebrations, we could see the huge difference in cost of the cattle in our markets'.[92] BGB Director (Operations) of the South-West Region, Maksud Ahmed accepted that major cause for 'irritant' between the border guards from India and Bangladesh has been killing and injury to Bangladeshi people living in the border areas by the BSF. For those firings, cattle smuggling is also responsible. To address the issue joint operations between BSF and BGB are being undertaken, at regular interval of time.[93]

Apart from the Indian border guards—BSF—since 2014, the members of Hindu nationalist group Rashtriya Swayamsevak Sangh (RSS) are also actively pursuing the issue of cattle smuggling across the India–Bangladesh border, mainly, through informal channels. To prevent cattle transportation, RSS members keep an eye on smugglers and, if catch any of them, hand over to the BSF and police in bordering districts of West Bengal, according to RSS units in the districts. RSS South Bengal Unit General Secretary Jishnu Basu said that their activists work along the border to

[90]'Bangladesh's Border Guard says cattle smuggling across India border has come down. *The Indian Express* 20 September 2016. Retrieved from http://indianexpress.com/article/india/india-news-india/bangladesh-border-guard-cattle-cow-smuggling-3040688/.

[91]Ibid.

[92]Ibid.

[93]Ibid.

prevent cow smuggling.[94] There is also an illegal trade of cattle which has flourished along the India–Bangladesh border areas. Most of the times, cows brought in from India through informal channels to meet most of Bangladesh’s demands for beef.[95] Through this existing illegal trade via informal channels along the porous India–Bangladesh border in West Bengal, those who are engaged in these activities, often, rise about hundreds of millions of US dollars annually. If cattle supply from India comes to a halt, Bangladeshi consumers would not be the only sufferers. India will also be under the burden with an additional expenditure of more than Rs. 31,000 crore annually, because about 1.25 crore cattle have to be taken care till they die naturally.[96]

Although the illegal cattle trade flourishes on the India–Bangladesh border a change in the Indian law regarding this adversely affect Dhaka’s domestic beef industry. The cattle trade between India and Bangladesh is worth $500 million USD annually.[97] Now, it is attributed as an illegal business because of Indian ban on the export of cattle while Bangladesh does not treat cattle smuggling from India as a crime. Earlier, in 1993, Bangladesh legalized the cattle trade by declaring it as a source of revenue.[98]

On the present condition along the India–Bangladesh border Ramesh Singh, Senior Superintendent of Police of South West Garo Hills said ‘the relationship between India and Bangladesh has seen significant improvement. On ground, people-to-people contacts and cross-border movements have increased. Border *haat* at Kalaichar is working well. Also, coordination between government agencies has improved. There is a perceptible decline in misunderstandings’.

To look into the issue of firing and human trafficking on India–Bangladesh border during the visit of the Prime Minister of Bangladesh Sheikh Hasina to New Delhi from 7 to 10 April 2017, the Indian and Bangladeshi Prime Ministers ‘shared the view that effective implementation of the Coordinated Border Management Plan (CBMP) would enable better border management to jointly manage the identified vulnerable areas, irregular movement, incidents of violence and tragic loss of lives and ensure a border free of criminal activities. Both Prime Ministers reiterated that the number of deaths at the border must be brought down to zero and directed the concerned authorities to work towards that end. Both leaders welcomed the Standard Operating Procedures (SOP) signed between the Indian Border Security Force and the Border Guard Bangladesh to allow the use of Indian border roads for construction and maintenance of Border Posts of Border Guard Bangladesh as well as the use of medical facilities in remote border stretches. They also appreciated the

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[94] Rahman [38].

[95] Ibid.

[96] Ibid.

[97] Cattle smuggling across Indo–Bangla border a security threat: Experts. Retrieved from http://www.orfonline.org/research/cattle-smuggling-across-indo-bangla-border-a-security-threat-experts/. Accessed on 6 January 2017.

[98] Ibid.

fact that meetings of the DCs/DMs of bordering districts on both sides have been held in cluster format since 2014'.[99]

In 1992, an attempt was made by the Indian government to deport some of the Bangladeshis from New Delhi to their country. A group of 132 persons—87 men, 23 women and 22 children—were identified as Bangladeshi nationals and left at India–Bangladesh border to go back to their country.[100] This 'operation pushback' ended soon.

Rise of Militancy and Insurgency: Internal–External Linkages

Rise in the militancy in Bangladesh has created a tension in India. The volatile border states of Bangladesh have a long history of insurgency and symbiosis with the groups across the border line. One of the most daring and deadliest militant attacks, in recent times in Bangladesh, took place in Dhaka on 1 July 2016 when seven militants armed with crude bombs, one Chinese knockoff[101] and swords, and raising a slogan '*Allah O Akbar*' stormed into a popular eatery, Holey Artisan Bakery, in the city's diplomatic area. There they held about 60 hostages, including many foreign nationals. To meet such an unprecedented security situation commandos from Bangladesh Army, Navy, Special Weapons and Tactics (SWAT) teams, elite force Rapid Action Battalion (RAB) and paramilitary Border Guards Bangladesh (BGB) were called on. After hours of gunfight with the militants, the area was cleared by the security forces. In that fight, two policemen and six militants were killed, and one militant was captured. Before being killed, the militants killed twenty hostages which included nine Italian, seven Japanese, three Bangladeshi and one Indian. After operations, Director of Military Operations Brigadier General Nayeem Ashfaq Chowdhury said that 'Most of those (hostages) killed were found with their throats slit'.[102] It was also revealed by a rescued hostage that 'They (gunmen) did not behave rough with the Bangladesh nationals', 'Rather they provided night meals for all Bangladeshis'. He added 'The gunmen were doing a background check on religion by asking everyone to recite from the

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[99]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. Retrieved from http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India_Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017. Accessed on 10 April 2017.

[100]Ramachandran [39].

[101]It is also called as Romanian AK-22 which is used to train the military recruits before handing them AK-47.

[102]Roy [40].

Quran. Those who could recite a verse or two were spared. The others were tortured'.[103]

Soon after the operation, a debate started in global and local media about the affiliations of those militants. According to Bangladesh security officials, two local militant groups, Ansar-al-Islam and Jamaat-ul-Mujahideen Bangladesh (JMB), were behind the violence. Ansar pledges allegiance to Al-Qaeda, while JMB, as claimed, represents Islamic State (IS) in Bangladesh.[104] The Amaq News Agency of Middle East-based terrorist organization IS reportedly claimed the attack and tweeted photos of the dead victims lying in pool of blood.[105] 'By now we have a clear idea of the organisational structure, command and control and methods of operations of Ansar-al-Islam', Monirul Islam, chief of Bangladesh's counterterrorism police, told *Reuters* in an interview.[106] 'They follow the ideology of Al-Qaeda, their operational leaders are mostly educated men, (from a) middle class background. They declare their allegiance to Al-Qaeda in the Indian Subcontinent (AQIS) and, through it, to Ayman al-Zawahri', he said, referring to Al-Qaeda's global leader.[107] On contrary, the Prime Minister of Bangladesh and her cabinet colleagues have repeatedly maintained that both AQ and IS have no presence in Bangladesh. A group may be inspired, encouraged and can express their allegiance towards a foreign group, but this does not mean that they are a part of the group. Hence, by and large, militants who carried on such attack were homegrown who may have been influenced by foreign groups.[108]

In a liberated country, the roots of religious radicalism in Bangladesh were sown way back in 1970s. Religion was inserted in the constitution to placate the groups opposing General Zia whose regime faced more than three well-organized coup attempts altogether and many sporadic rebellions between 1975 and 1980. These coup attempts were organized by the political forces—both from left and right. To secure itself, Zia's government made an amendment in 1977 under which the citizens of Bangladesh identified as 'Bangladeshi' as opposed to Bengali which they were known as earlier. Zia's government also made amendments in the preamble of the constitution. The word secularism in the preamble was substituted with 'absolute trust and faith in the Almighty Allah should be the basis of all actions'. Also, 'Bismillah-ar-Rahman-ar-Rahim' (In the name of Allah, the Beneficent, the Merciful) were inserted above the Preamble.[109]

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[103]Hasan [41].

[104]'Bloody End to Dhaka Hostage Crisis' [42].

[105]Ibid.

[106]Miglani [43].

[107]Ibid.

[108]A journalist friend based in West Asia and covers the news for Al-Jazeera told me that about 99 percent of the cadres from the IS has no idea that there is a world beyond Europe, America and Middle East.

[109]Riaz [44].

The rise of militancy in Bangladesh has its impact on India. Often militants after carrying out their activities in Bangladesh do cross into the Indian side of the border. According to media reports, in 2010 and 2011, several JMB members crossed over to India. They took great effort to mix with the local populace, to fulfil their interests. They set up hubs to provide training to prospective militants in manufacturing explosives and establishing links with international terror outfits. Facts uncovered by Intelligence Bureau (IB) and National Investigation Agency (NIA) shows that, initially, the JMB began its operations in India in 2010 at Beldanga and Lalgola with around 10–25 men. Subsequently, in 4 years, the group succeeded in raising its cadres up to 180 men, and spread its presence across seven districts of central and north Bengal, Howrah and Kolkata. The numbers and the logistical spread up of the group have made it easier to carry out its operations in India and Bangladesh.[110] In 2014, the group hatched a plot to kill the Bangladeshi Prime Minister Sheikh Hasina, but their plot was foiled by the police and NIA. Shahnur Alom alias 'doctor Ilias', a top JMB operative after his arrest by the Assam police confirmed that several top leaders from JMB had visited at least one Madrasa in the state and conducted motivational training there.[111] The Indian government had intelligence inputs way back in 2005 about radicals from Bangladesh infiltrating into the country. The cable released by WikiLeaks states, 'The (Indian) authorities are concerned that these elements (radical Islamists) have a strategic, long-term plan to take advantage of the porous border to infiltrate India and provide support to insurgent groups'. The cable further states, 'The three terrorist organizations of primary interest to Indian authorities monitoring the border are Jamaat-ul-Mujahideen (JUM) (now JMB), JMJB and HuJI'.[112]

In addition, regular assistance from across the border has helped the insurgent groups from the northeast India to carry on their fight against the Indian state. This has a history since the East Pakistan days of Bangladesh. In 1956, Naga National Council leader A. Z. Phizo with the help of Pakistani agencies used Dhaka as a route to escape to London on a fake passport provided by those agencies.[113] One of the first fully trained insurgent leader from the Bangladesh soil who operated in India was Nameirakpam Bisheshwar from Manipur. He was active in 1960s, and, allegedly handled by Pakistani agencies.[114] Then, Mizo National Front (MNF) leader P. Laldenga was given shelter by Pakistan.[115] In 1971, Laldenga fought alongside the

[110]Ghosh [45].

[111]"Burdwan Blast: JMB Tried to Induct Boys from Assam Madrasa to Create Modules," (7 December 2014) *The Indian Express*. Retrieved from http://indianexpress.com/article/india/india-others/burdwan-blast-probe-key-suspect-shahnoor-alam-arrested/. Accessed on 6 June 2016.

[112]"2005 Intel Revealed Bangladesh Radicals Plan for India: WikiLeaks," https://timesofindia.indiatimes.com/india/2005-intel-revealed-Bangladesh-radicals-plan-for-India-Wikileaks/articleshow/44921152.cms. Accessed on 20 December 2014.

[113]Hauzel [46].

[114]Ibid.

[115]See Schendel, William Van "A war within a war: Mizo Rebels and Bangladesh Liberation Struggle". Modern Asian Studies Volume 50, Issue 1, 2016, pp 75–117.

Pakistan Army against the Indian forces. After the liberation of Bangladesh, the MNF scattered in Myanmar while Laldenga moved to Pakistan. After living in Pakistan, Laldenga moved to Europe where he was engaged by the Indian agents. As a result of those engagements, peace was brokered between the Indian state and the MNF. Laldenga returned to India as a part of the deal. The MNF contested elections and from 1986 to 1988 Laldenga was Chief Minister of Mizoram.

Another prominent insurgent group from the northeast India whose leadership found shelter in Bangladesh is the United Liberation Front of Assam (ULFA). A few others groups from the Northeast India too have sought shelter in Bangladesh from time to time. To crack the activities of these insurgent groups in March 2014, India had given a list of 66 terror camps to Bangladesh which, allegedly, carries out their operations into India from there. According to the list, the prominent groups to whom camps belong to are *National Democratic Front of Boroland (anti-talks) of Assam*, *the People's Liberation Army, Kanglei Yawol Kanna Lup of Manipur*, *National Socialist Council of Nagaland-IM*, *National Liberation Front of Tripura, Meghalaya's Hynniewtrep National Liberation Council, Achik National Volunteers Council-Breakaway,* etc. Also, the NIA in 2014 unearthed a plan by *National Socialist Council of Nagaland (Isak Muviah)* to bring a huge cache of arms to northeast India through Cox's Bazar. As traced by the Agency, the arms and ammunition were to be loaded on a ship from Beihei port on China–Vietnam border in the South China Sea and had to be brought to India through Cox's Bazar.[116] It was reported that the NSCN Chief of Procurement, Anthony Shimray had struck a deal with the Chinese suppliers. On Indian agency's request, he was arrested by Nepal police and handed over to India in 2010. Due to which the deal could not get materialized. It is to be noted here that the NSCN (IM) had signed a ceasefire agreement with India in 1997. Therefore, its attempt to acquire weapons prove that it might be using the ceasefire period to strengthen its firepower to strike with vengeance against Indian security forces.[117] The assumption becomes strong because in 2013, NSCN (IM) announced that it could end ceasefire after its members were arrested for carrying firearms in violation of the 1997 ceasefire agreement.

The infiltration of both Bangladeshi militants and the insurgents who are active in northeast and use the Bangladesh route to get inside the Indian borders happen despite being presence of a large number of personnel from the BSF to guard the border line from getting violated. Often, tunnels are being also used to secretly trespass to the other side of the border line. One such tunnel was discovered by the BSF on 26 April 2017. The tunnel was 80-m-long near Chopra–Fatehpur border outpost in North Dinajpur. It stopped just 50 m short of the India–Bangladesh border. The tunnel was 4 ft. in height and 2 ft. in width at the entry and narrows

[116] "BSF Gives List of 66 Terror Camps to Bangladesh," rediff.com, 9 March 2014. Retrieved from URL: http://www.rediff.com/news/report/bsf-gives-list-of-66-terror-campsto-bangladesh/20140309.htm.

[117] "NSCN's Cox's Bazar Armsdrop Plan Revealed," *bdnews24.com*, 1 April 2014. Retrieved from https://bdnews24.com/bangladesh/2014/04/01/nscn-s-cox-s-bazar-armsdrop-plan-revealed. Accessed on 15 January 2017.

onwards. The BSF official confirmed that it was meant to make infiltration, and not for smuggling of cattle which the smugglers do.[118]

Expressing his fear about infiltration of the militants in guise of enclave dwellers, after the LBA came into effect Pradip Bhattacharya, chairman of the Parliamentary Standing Committee on Home Affairs, India stated that 'Security in those enclaves which are now part of India is of topmost priority to check illegal entrants from Bangladesh or JMB modules operating in Bengal…,'.[119] About his taking action, he stated that 'I have already written to the Union Home Ministry that security in coordination with IB, BSF and state police should be strengthened so that anti-national elements can't use this as an opportunity. I have serious apprehensions regarding this issue'.[120] His fear found support in a section of security officials. On condition of anonymity, a senior official of State Intelligence Bureau, told to the journalist from *The Hindu* that his agency is already on the job to collect ground zero intelligence on this matter. He said that 'Obviously security is a concern when you have such a porous border. We have earmarked three areas from where the residents from Indian enclaves in Bangladesh will be entering as of now. We also have a set up our camp in the areas to ensure a strict vigil and have regular reports of ground level situation'.[121] The IB official also said that the state security agencies and the central agencies including BSF are working in coordination to ensure proper security measures can be taken up and mechanism set up so that the enclaves, which for long has been devoid of any such facilities and whose population lacked nationality, does not turn into a hotbed of militant activities against India.[122]

Supporting his contention, Cooch Behar District Magistrate P. Ulaganathan said that 'Right now we have few more companies of BSF in Cooch Behar district and they will be staying for quite some time. The concern is not regarding those 979 people who will be coming here as they will have proper permits. But after this process gets over the issue of safety and security and ensuring that no unruly elements make its way to enclaves is to be looked into,'.[123] On the ground-level preparation for the situation, a senior BSF official informed that it has increased its vigil on the India–Bangladesh border in the Cooch Behar area. To make the guarding more effective, extra troops have been deployed on India–Bangladesh border. This is mainly to ensure that 'unwanted' elements do not use the border to enter into India.[124]

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[118]'North Dinajpur-BSF finds 80-metre tunnel near Border outpost' *The Indian Express* 27 April 2017. Retrieved from http://indianexpress.com/article/india/north-dinajpur-bsf-finds-80-metre-tunnel-near-border-outpost-4629722/. Accessed on 27 April 2017.

[119]Security, a prime concern after enclaves exchange *The Hindu* 2 August 2015. *Retrieved* from http://www.thehindu.com/news/national/indiabangladesh-land-boundary-agreement-security-a-prime-concern-after-enclaves-exchange/article7491756.ece.

[120]Ibid.

[121]Ibid.

[122]Ibid.

[123]Ibid.

[124]Ibid.

Despite such threats in past, and to an extent in present also, the Government of India's, more or less, maintains that they can live with, what Prem Shankar Jha calls 'pin-pricks' because, as they feel, unlike Pakistan, Bangladesh does not pose serious threat to India's security.[125] However, in recent years as the militancy has become serious, the two countries have taken a few steps to address each other's security-related concerns. In one of the major developments in fighting against insurgency and militancy, in November 2015, Bangladesh handed over Golap Baruah aka Anup Chetia to India, 18 years after his arrest in Dhaka for trespassing into Bangladesh. Chetia is a founding member of the ULFA, had been in prison since his arrest in Mohammadpur on 21 December 1997. Two of his associates, Babul Sharma and Shakti Prasad Goswami, who were arrested with him in Dhaka, were also extradited to India. India had been pressing for his deportation for years so that he could join the on-going peace talks between the ULFA faction led by Arabinda Rajkhowa and the Government of India. Although the two are considered to be important for establishing peace in Assam, the real player is Paresh Baruah, who leads the violent faction of the ULFA. In exchange of Anup Chetia, India handed over Nur Hossain, the prime accused in the sensational seven-murder case in Narayanganj. Nur was wanted by the police in almost a dozen numbers of cases. The most notable among all was the killing of seven people—Narayanganj City Corporation ward Councillor Nazrul Islam, his driver and three associates. He was also wanted for killing a senior lawyer of Bangladesh Chandan Sarkar and his driver. This exchange was a, mainly, result of the extradition treaty signed between the two countries in 2011. In 2016, they amended it to simplify the extradition procedure. Under this revised deal, extradition of suspected criminals would be possible if a court in any of the two respective countries issue arrest warrant against them.[126]

To fight against the militancy in Bangladesh and also to address its own insurgency-related concerns in Northeast India; India has, after the LBA has extended its support to Bangladesh. During his visit to Dhaka in May 2016, the Indian Foreign Secretary S. Jaishankar conveyed a message to his Bangladeshi counterpart, Shadidul Haque that India supports the Bangladesh's effort to fight against extremism and terrorism, particularly in response to attacks against vulnerable sections of society.[127] After a meeting with Shahidul Haque, the Indian Foreign Secretary said that 'I told the foreign secretary that I am here to convey the government of India's strong support to the government of Bangladesh as it battles terrorism and extremism'.[128] He added that 'This is an issue which is of direct

[125]Vardarajan [37].

[126]India, Bangladesh sign pact to amend Extradition Treaty 28 July 2016. *The Assam Tribune*. Retrieved from http://www.assamtribune.com/scripts/detailsnew.asp?id=jul2916/at054.

[127]'Visit of foreign secretary to Bangladesh (11–12 May 2016)' Ministry of External Affairs, Government of India. Retrieved from http://www.mea.gov.in/press-releases.htm?dtl/26819/Visit_of_Foreign_Secretary_to_Bangladesh_May_1112_2016. Accessed on 12 May 2016.

[128]'Together against all terrorism' (2016, 13 May). *The Daily Star* Retrieved http://www.thedailystar.net/frontpage/together-against-all-terrorism-1222996.

concern to us as neighbours'.[129] The two countries are also carrying out joint military exercise since 2010. The Sixth edition of India–Bangladesh Joint Military Exercise 'SAMPRITI-2016' ended at Bangabandhu Senanibas, Tangail on 18 November 2016. The focus of the 14-day joint exercise was on counterterrorism operations in mountainous and jungle terrain under the United Nations Mandate.[130]

Economic Aspects of Border

As discussed earlier, in the liberal world order, boundaries are condoned as barrier to the flow of goods and carrying out of the trade. The neoliberal advocates to soften or to even open it completely so that trade can be carried out. Acting on this logic, the idea of regional connectivity has emerged throughout the world. In Asia, with rise of India and China there have been a lot of talks and actions going on to link one country with other through roads and railways.

India–Bangladesh has a connected road and railway infrastructure but they are not in operation. With an improvement in a relationship and increasing multilateral connectivity borders are being opening up to regulate cross-border trades. In this direction to facilitate trade, India's second international standard multi-use Integrated Check Post (ICP) and the first along the Bangladesh border was opened to people at Akhaura in Tripura on 17 November 2013.[131] Bangladesh has finalized six linking Bangladesh, Bhutan, India and Nepal (BBIN) for passenger and private vehicles to travel across the region. The proposed routes are: (1) Chittagong–Dhaka–Hatikarmul–Kolkatta–Petrapole/Benapole–Dhaka–Chitagong, (2) Chittagong–Dhaka–Hatikamrul–Bogra–-Rangpur–Burimari/Chengrabanda, (3) Dhaka–Hatikamrul–Bogra–Rangpur–Burimari/Chengrabanda–Jaigaon, (4) Dhaka–Hatikmrul–Bogra–Rangpur–Banglabandha/Rangpur–Panirkanti/KakrvitaKathmandu and (5) Kolkatta–Dhaka–Sarail–Sylhet–Tambil/Dawki–Shilong–Guhati–Samdrup–Jhonkar (6) Khulna–Jessore–Benapole/Petrapole–Kolkatta.

Also, Bangladesh–China–India–Myanmar-Economic Cooperation (BCIM-EC) was set up to increase trade and transportation among the member countries. After years of talks in 2016 Bangladesh, China and India have finalized their country-specific working papers of the BCIM initiative aimed at the greater integration of trade and investment between the four countries. The first meeting of the BCIM joint study group was held in Kunming in 2013 while the second one was held in Cox's Bazar in 2014. The final meeting was held at Kolkata in 2016. In that meeting a single paper was carved out of four papers; and has been sent to the government of

[129]Ibid.

[130]http://pib.nic.in/newsite/PrintRelease.aspx?relid=153334.

[131]'First Integrated Check post along Bangladesh Border' *The Hindu* (9 November 2013) http://www.thehindu.com/todays-paper/first-integrated-check-post-along-bangladesh-border/article5332466.ece. Accessed on 3 January 2017.

Bangladesh, China, India and Myanmar for their approval. Once implemented, it is being assumed that the oil pipeline that was laid from Calcutta to Kunming via the Brahmaputra Valley, Ledo, Myitkyina, and Bhamo, along the southern line of the Stillwell Road, totalling in length 3,218 km. It was known as the longest pipeline in the world at that time[132] would be in operation again to facilitate cooperation among the en route countries. The construction of the pipeline begun in December 1943 and completed by April 1945. In June 1945, oil from Calcutta port was carried to Kunming. From then on, 18,000 tons of oil was carried to Kunming by this pipeline every month. At present this pipeline is not functioning.[133]

With these connectivities, it is being assumed that trade among the countries would increase which in turn develop the connected regions. Once happens, the connectivity will facilitate the development of India's Northeast region and Bangladesh. However, security-related apprehensions are still being expressed by the members of the Indian security establishment. They give an argument that the opening of trade would encourage infiltration across the border of miscreants and intelligence agents from the Chinese side, which would pose threat to India's security. The other argument is of a trade insecurity expressed by the Indian traders who maintained that given the comparative advantage of China in the export of manufactured goods, the opening up of the border area for trade between the two countries would result in the flooding of the Indian market by Chinese goods.[134]

Fencing the Border: Can It Stop the Violation of Line?

India has planned to construct a fence of barbed wire in around 3046 km of its border sharing with Bangladesh. The first phase of 500 km was completed in 2007 and by 2011, 2735 km of fencing was done. In Assam, 221.56 km of fencing has been completed. In West Bengal, 507 km was completed in the first phase and 964 km was sanctioned in the second phase. In Meghalaya, 198.06 was completed in the first phase and 132.07 out of 264. 17 sanctioned was completed in the second phase. In 777.42 out of 848 sanctioned was completed in the second phase. In Mizoram, 222.89 out of 349.33 sanctioned in the second phase was completed.[135] Besides it, floodlights have also been installed to increase vigil on the border. A pilot project was completed on 277 km border in West Bengal in June 2006. Since then many more areas have come under floodlight's vigil. By 2013, the work of floodlighting for the length of 1535.31 km (West Bengal—700 km,

[132]Yikun and Wei [47].

[133]Ibid.

[134]Dubey [48].

[135]'Management of Indo-Bangladesh Border' Ministry of Home Affairs, Government of India. Retrieved from http://mha.nic.in/sites/upload_files/mha/files/BM_MAN-IN-BANG-270813.pdf. Accessed on 12 December 2017.

Assam—30 km, Mizoram—27.10 km, Meghalaya—148 km, Tripura—630.21 km) was completed.[136] This work has been assigned to Central Public Works Department (CPWD), National Project Construction Corporation (NPCC) and Engineering Projects (India) Limited (EPIL).[137]

The fencing of the border has been opposed by Bangladesh since the plan was thought about. In 1998, when this plan was at a nascent stage, Bangladeshi foreign minister Abdus Samad Azad said that India's plan to erect barbed wire fence along the 4000 km border with Bangladesh would affect the existing friendly relations between the two countries.[138]. Later, the SC of India has taken up the issue of border fencing. In December 2014, the SC delivering its verdict on a petition filed by Assam Sanmilita Mahasangha, Assam Public Works and All Assam Ahom Association, ordered that the Union will take all effective steps to complete the fencing [double-coiled wire fencing] in such parts of the Indo–Bangla border [including Assam] where presently the fencing is yet to be completed.[139] A question always hovers that whether fencing can effectively check infiltration and trespassing. It is difficult to answer at present. On a procedural level, India is placing all sorts of modern technologies it has to increase its vigil. The BSF has a plan to install laser walls and smart sensors along the international border in West Bengal to plug the porous riverine and unmanned terrain. A BSF official said that 'Very soon laser walls and smart sensors will be installed at the Indo–Bangla border, especially in the porous riverine area and in areas that do not have proper fencing. It will be done on an urgent basis so that it becomes operational by the end of 2017'.[140] Another official added that 'The pilot project will start in a few months once we get the equipment and other things that are needed. The areas, where lasers and sensors will be placed, have already been identified'.[141]

It has been maintained that a team of technical experts will handle a pilot project for deploying technological solutions in riverine areas and the areas that lack fences. 'The smart sensors will be monitored through a satellite-based signal command system. They will have night and fog operability tools. The mechanism is —sensor blips and alerts border guards', said the BSF official.[142] In this regard, the proposal was submitted by the BSF to the West Bengal's government for land in south Bengal's frontier bordering Bangladesh. The BSF needed 81.7 km of land to erect fences. The state government has approved it and asked the district

[136]Ibid.

[137]Ibid.

[138]Bhasin [36, p. 2076]

[139]Rajagopal [49].

[140]'Laser Walls and Smart Censors at India-Bangladesh Border, Soon' *The Indian Express* 2 January 2017. Retrieved from http://indianexpress.com/article/india/laser-walls-smart-sensors-at-india-bangladesh-border-soon-4454961/).

[141]Ibid.

[142]Ibid.

magistrates to procure land and hand it over to the BSF to carry out its work.[143] The paramilitary force is using the Farheen laser wall technology at the Indo–Pakistan border and has reaped benefits through better management of the borders. The installing of laser walls and remote sensors is a part of Centre's plan to keep a tight vigil at the India–Bangladesh border. The vigil was increased, mainly, following the inputs from intelligence agencies that terrorists and other similar elements are exploiting the unfenced areas and riverine borders to enter into India. About this, a BSF official said to the *Indian Express* that 'The matter of laser walls and smart sensors in West Bengal was on the back burner. But it came up after the terror attack in Dhaka a few months ago as there were intelligence inputs that terrorists and anti-national elements were exploiting the unfenced areas and riverine borders'.[144] West Bengal shares about 2,2167 km out of the total 4,096-km-long border between India and Bangladesh. Mainly in 2015, the BSF decided to install laser walls in areas, where barbed wire fences could not be erected due to the treacherous terrain or marshy riverine topography.[145]

The members of Assam BJP and at the centre are very much in favour of fencing the border between India and Bangladesh. On this issue Vikash Anand, Associate Editor of BJP mouthpiece *Kamal Sandesh* said 'BJP is committed to stop illegal migration from Pakistan and Bangladesh which is threat on internal security of the country. When BJP government came to power started emphasizing on secure Border. Modi government has set the target to fencing the boarder completely by December 2018. The government has decided in future to have a patrol-free, multi-layered smart fence along its borders with Pakistan and Bangladesh'. He was supported by Shiv Shakti Bakshi, Head Department of journal and publication (BJP) who feels 'Insecure border encourages smuggling across the border. Secure border is in interest of both India and Bangladesh. That is why present government is in favour of fencing the border'.

On border fencing, one of the hurdles has been track-changing transboundary rivers between India and Bangladesh. There are 54 rivers flowing between the two countries. Although the BSF is confident that laser walls could be effective in tracing the infiltrators to cross riverine border, it has to be empirically observed. On this issue, the Chief Minister of Assam, Sarbananda Sonowal in an interview to Sangeeta Barooh Pisharoty said 'About 44 km of the border with Assam is riverine, which has pushed the central government to think of innovative ways of fencing it since you can't have fencing over a river. The government is also thinking of, perhaps, building a concrete platform over that portion and place security posts on them'.[146]

To tackle the crime on the India–Bangladesh border area, the two countries' border forces regularly meet to chart out plan to control nefarious activities. The

[143]Ibid.
[144]Ibid.
[145]Ibid.
[146]Pisharoty [50].

Joint India–Bangladesh Guidelines for Border Authorities, 1975 states that there should be regular and frequent contacts between the border authorities of two countries to discuss the matters of immediate administrative concern.[147] An Indian delegation under the leadership of Shri Ashwani Kumar, former Director General of BSF and the Bangladesh delegation under the leadership of Major General Quazi Golam Dastgir, former Director General BGB met at Kolkata on 02nd December 1975 for the first time to discuss mutual border problems. Since then, the meetings between DG BSF and DG BGB were held annually alternatively in India and Bangladesh till 1993.[148] During discussions between the Home Secretaries of India and Bangladesh that were held at Dhaka (Bangladesh) from Oct 7th to 9th, 1993, it was agreed that the Director General-level meetings between BSF and BGB, are to be a biannual event. In the agreed summary of discussions during the said meeting, it was emphasized that problems in the areas of mutual interests and concerns can be progressively resolved through close contacts and continuing meaningful dialogue at various levels. Accordingly, DG BSF and DG BGB have been holding Border Coordination meetings twice a year alternatively at Delhi and Dhaka and joint record of discussions of these meetings are forwarded to Ministry of Home Affairs after each such meeting.[149]

In post LBA, the first such meeting between DG BSF and BGB was held from 2nd to 7 August 2015 in New Delhi.[150] Again in 43rd, The 43rd Director General Level Border Coordination Conference between BSF and BGB was organized at New Delhi from 30 September 2016 to 5 October 2016. In that meeting other than the BSF, officials from the Ministry of Home Affairs, Ministry of External Affairs, National Investigation Agency and other sister organizations participated. During the course of the conference, the two sides discussed the following[151]:

(a) Transborder crimes.
(b) Smuggling of cattle, Fake Indian Currency Note (FICN), drugs, etc.
(c) Activities of Indian insurgent groups based in Bangladesh.
(d) Prevention of illegal migration.
(e) Joint efforts for effective implementation of Coordinated Border Management Plan (CBMP).
(f) Confidence Building Measures.

[147]43rd BSF (India)—BGB (Bangladesh) Director General Level Border Coordination Conference—2016 (30 September–5 October 2016), at New Delhi. Retrieved from http://bsf.nic.in/en/press.html. Accessed on 15 November 2017.

[148]Ibid.

[149]Ibid.

[150]41ST BSF (India)—BGB (Bangladesh) Director General Level Border Coordination Conference—2015 IS Under Progress at BSF HQ, New Delhi. Retrieved from http://bsf.nic.in/en/press.html. Accessed on 15 November 2017.

[151]43RD BSF (India)—BGB (Bangladesh) Director General Level Border Coordination Conference—2016 (30 September to 5 October 2016), at New Delhi. Retrieved from http://bsf.nic.in/en/press.html. Accessed on 15 November 2017.

Before it, the BSF–BGB Border Coordination Conference was held in May 2016 at Dhaka (Bangladesh). This was the 42nd such meeting between the Chiefs of both the border guarding forces.

In a move, Wagah like Beating Retreat ceremony was started at Petrapole–Benapole border in November 2013. Then Home Minister of India Sushilkumar Shinde, maintained that India has already initiated steps such as simplifying visa rules for businessmen, students and those seeking medical treatment. Extradition treaties have also been signed.[152] Better coordination, he said, had also helped reduce incidents of cross-border violence. ‘I do not think that the (current) political unrest in Bangladesh will impact relationships. It must be temporary. Relationships have always been good’, Shinde said in response to a specific question from the media.[153] In 2015, a similar Joint Retreat Ceremonies was started at the Changrabandha–Burimari border post (in West Bengal) and the Akhura–Phulbari border post (in Tripura). This is contradicting because the Retreat ceremony is considered to help in improving the relationship between the border guards of the two respective countries while fencing keeps them away from any sort of interactions. After looking into India–Pakistan flag Retreat ceremony at Wagah, one can argue that it can produce competitive nationalism instead of yielding positive results. The first political secretary at Bangladesh High Commission in India in 2016 in an interaction with the author said that the level of tensions may increase due to this practice but both countries have to take steps to not turn the India–Bangladesh Retreat as a war of attrition. Another argument one can give that the relationship between India and Pakistan are absolutely opposite to what India–Bangladesh; therefore, there are no much chances of tensions. However, it has to remember that in past despite the relationships between the two states the border guards had often engaged into tensions with each other.

Border Haats: Economic Engagement of Borderland Population

Making border as a place of economic engagements and interaction between the people from borderland areas, an idea of having Border Haat (market on border) was conceived in 2010 during the visit of Bangladesh Prime Minister to India on 10–13 January 2010. At that time, it was agreed between the two countries that they would take steps to first set up Border Haats on a pilot basis at selected areas to allow trade in specified products to take place. The trade has to be carried out in accordance with the regulations agreed and notified by the Governments of the two

[152]Law [51].

[153]Ibid.

countries.[154] In this direction, on 23 October 2010, they signed a MoU and also agreement related to the operation of such Haats. Later, an Addendum to Mode of operation of Border Haats across the Border between Bangladesh and India was also signed on 15 May 2012.[155]

At present, four border haats are in operations. Out of them, two are located in Meghalaya at Kalaichar and Balat, the other two are in Tripura at Srinagar and Kamalasagar.[156] The trade at border haats is permitted to be carried out in Indian Rupees/Bangladesh Taka and also, in some cases, barter system of exchange are allowed. The trade data is maintained by the Haat Management Committee of the respective border haats. According to trade data, cash trade equivalent to Indian Rupees of 1686.62 lakhs was carried out at the four border haats in the 5-year period (ending 2015–16) since it was started.[157] After the success of the pilot project, later India and Bangladesh had approved six more border haats—two in Tripura at Palbasti and Kamalpur and four in Meghalaya at Bholaganj, Nalikata, Shibbari and Ryngku.[158] In April 2017, during Hasina's visit to New Delhi, India and Bangladesh signed MoU to establish more Border Haats across the Border between India and Bangladesh.[159] The objective of the border *haats* is to increase people-to-people contact and ease the life of people living near to the borders, who are interdependent for various purposes including economic exchanges.

Conclusion

As discussed in this chapter, India–Bangladesh border is associated with many related issues, therefore, despite physical demarcation, tensions between the two countries on the border issue remains. One of the major issues is religion-based identity of people across the border line in India. This has been a reason for many violence against them.

Politically, to make its territory secure India is fencing its border with barbed wires, but can it check the people's movement across the border? Those who have resources and documents can move legally but many living near the border areas

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[154] http://www.pmindia.gov.in/en/news_updates/mou-between-india-and-bangladesh-and-mode-of-operation-of-border-haats-for-setting-up-of-border-haats/.

[155] Ibid.

[156] 'Border Haats' Press Information Bureau, Ministry of Commerce & Industry, Government of India. Retrieved from http://pib.nic.in/newsite/PrintRelease.aspx?relid=155324. Accessed on 12 November 2017.

[157] Ibid.

[158] Ibid.

[159] List of Agreements/MoUs Exchanged During the State Visit of Prime Minister of Bangladesh to India (7–10 April 2017), Ministry of External Affairs, Government of India. Retrieved http://www.mea.gov.in/bilateral-documents.htm?dtl/28360/List_of_AgreementsMoUs_exchanged_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_0710_2017.

will discover new methods to get inside the 'others' side of the border. This is mainly because of reasons mentioned in the chapter and dependence of people living near the border areas.

As maintained in this chapter, the problems which one anticipated to get resolved after the implementation of the LBA are still intact. For example, trafficking of human or crossing into other side of the border by a militant is not easy to get addressed because of vested interests of various groups in those activities.

References

1. van Schendel, William. 2005. *The Bengal Borderland: Beyond State and Nation in South Asia*, 296. London: Anthem Press.
2. Shamshad, Rizwana. 2017. *Bangladeshi Migrants in India: Foreigners, Refugees, or Infiltrators?* 59. New Delhi: Oxford University Press.
3. Ahmed, Imtiaz. 2007. The Indo-Bangla SAARC Puzzle. Retrieved from http://old.himalmag.com/component/content/article/1189-the-indo-bangla-saarc-puzzle.html. Accessed on 13 January 2017.
4. Datta, 2013. *Refugees and Borders in South Asia: The Great Exodus of 1971*. New Delhi: Routledge.
5. Gait, Edward. 1926. *A History of Assam*, 360–361. Calcutta and Simla: Thacker, Spink & Co.
6. Nag, Sajal. 1990. *Roots of Ethnic Conflict: Nationality Question in North-East India*, 100. New Delhi: Manohar.
7. Baruah, Sanjib. 2005. *Durable Disorder: Understanding the Politics of Northeast India*, 132. New Delhi: Oxford University Press.
8. Nag, Sajal. 1990. *Roots of Ethnic Conflict: Nationality Question in North-East India*. New Delhi: Manohar.
9. Nag, Sajal. 1990. *Roots of Ethnic Conflict: Nationality Question in North-East India*, 130. New Delhi: Manohar.
10. Baruah, S. 2015. Partition and Politics of Citizenship in Assam. In *Partition: The Long Shadow*, ed. Urvashi Butalia, 78–101. New Delhi: Penguin & Zuban.
11. Guha, A. 1977. *Planter-Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826–1947*, 212. New Delhi: Indian Council of Historical Research.
12. Mukherjee, Janam. 2015. *Hungry Bengal: War, Famine, Riots and the End of Empire*. London, Noida: Harper Collins.
13. Khan, Yasmin. 2015. *The Raj at War: A People's History of Second World War*. London: Vintage Publications.
14. Raghavan, Srinath. 2016. *India's War: The Making of Modern South Asia*. Gurgaon: Alen Lane, Penguin.
15. Van Schendel, Willem. 2009. *A History of Bangladesh*. Cambridge, New York: Cambridge University Press.
16. Rashid, Harun, and Bimal Paul. 2014. *Climate Change in Bangladesh: Confronting Impending Disasters*, 140. London: Lexington.
17. Tisdall, Simon, and Anna Ridout. 2015. Sheikh Hasina: I Want to Make Bangladesh Poverty Free. *The Guardian*. Retrieved from http://www.theguardian.com/global-development/2015/sep/25/sheikh-hasina-i-want-to-make-bangladesh-poverty-free-sustainable-development-goals. Accessed on 25 Sept 2015.
18. Ahmed, R. 2015. Rate of stunting dropping fast. *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/rate-stunting-dropping-fast-166978. Accessed on 4 Nov 2015.

19. Weiner, Myron. 1978. *Sons of the Soil: Migration and Ethnic Conflicts in India*, 83. New Delhi: Oxford University Press.
20. UNHCR Report. 1972. *A Story of Anguish and Action: The United Nations Focal Point for Assistance to Refugees from East Bengal to India.* UNHCR: Geneva.
21. Chatterji, Joya. 2013. Dispersing Partition Refugees in India. In *The Bangladesh Reader*, ed. Meghna Thkurata, and Willem van Schendel, 473–479. Durham & London: Duke University.
22. Sen, J. 2015. Reconstructing Marichijhapi: From Margins and Memories of Migrant Lives. In *Partition: The Long Shadow*, ed. U. Butalia, 102–127. New Delhi: Penguin & Zuban.
23. Hasina, Sheikh. 2017. Friendship is a Flowing River. *The Hindu.* Retrieved from http://www.thehindu.com/opinion/lead/friendship-is-a-flowing-river/article17854490.ece?homepage=true. Accessed on 7 Apr 2017.
24. Hazarika, S. 2012. Illegal Migration Has No Role in the Current Conflict. *The Mint.* Retrieved from http://www.livemint.com/Politics/Du3khRBMmLijh1dgNkSfgL/Illegal-migration-has-no-role-in-the-current-conflict.html.Acessed on 27 July 2015.
25. Mishra, U. 2012. Bodoland: The Burden of History. *Economic and Political Weekly* XlviI (36): 36–42.
26. Goswami, N. 2010. *Bangladeshi Illegal Migrations into Assam: Issues and Concerns from the Field.* Retrieved from www.idsa.in/issuebrief/BangladeshiIllegalMigrationintoAssam_ngoswami. Accessed on on 20 July 2015
27. Hussain, Bonojit. 2014. Isn't the Isn't 'Illegal Bangladeshi' Racist Shorthand for Bengali Speaking Muslims In Assam? Counter currents.Org. Retrieved from http://www.countercurrents.org/hussain150514.htm. Accessed on 13 Jan 2017.
28. Deka, Kaustubh. 2014. Census Figures Demolish the Myth of Bangladeshi Infiltration in India. *Carvan*, September 1, 2014.
29. Kimura, Makiko. 2013. *The Nelie Massacre of 1983: Agency of Rioters*. New Delhi: Sage.
30. Baruh, Sanjib. 1999. *India Against Itself: Assam and the Politics of Nationality*, 187. Philadelphia: University of Pennsylvania Press.
31. Misra, Udayon. 2016. Victory for Identity Politics, Not Hindutva in Assam. *Economic and Political Weekly* LI (22): 20–23.
32. Dixit, Meha. 2016. The Missing Girls of Bangladesh. *The Hindu.* Retrieved from http://www.thehindu.com/opinion/columns/indobangladesh-border-trafficking-the-missing-girls-of-bangladesh/article8438115.ece.
33. Haokip, Thongkholal. 2015. *India's Look East Policy and the Northeast,* 133. Delhi: Sage.
34. Kashyap, Samudra Gupta. 2018. Assam NRC: All Happy with First Part Draft, but What Happens Next? *The Indian Express,* 3 January 2018. Retrieved from http://indianexpress.com/article/beyond-the-news/assam-national-register-of-citizens-nrc-all-happy-with-first-part-draft-but-what-happens-next-5009742/. Accessed on 5 Jan 2018.
35. Kashyap, Samudra Gupta. 2017. Assam on Edge Ahead of Updated Citizen Register. *The Indian Express.* Retrieved from http://indianexpress.com/article/north-east-india/assam/assam-on-edge-ahead-of-updated-citizen-register-4908409/.
36. Bhasin, Avttar Singh. 2003. *India-Bangladesh Relations: Documents-1971-2002*, vol. 4, 2089. New Delhi: Geetika Press.
37. Vardarajan, S. 2005. An Overview of Indo-Bangladesh Relations: Perception of Each Other's Foreign Policies. In *Dynamics of Bangladesh-India Relations: Dialogue of Young Journalists Across the Border*, ed. Farooq Shoban, 49–54. Dhaka: Bangladesh Enterprise Institute, The University Press.
38. Rahman, Md Fazlur. 2015. Loss on Both Sides Part 1, 26 August 2015. *The Daily Star.* Retrieved from http://www.thedailystar.net/frontpage/loss-both-sides-132625. Accessed 27 Aug 2015.
39. Ramachandran, Sujata. 2005. In *The Bangladesh Reader*, ed. Meghna Thkurata, and Willem van Schendel, 483–485. Durham & London: Duke University.
40. Roy, Shubhajit. 2016. Indian Among 20 Killed in Dhaka's Night of Terror. *The Indian Express.* Retrieved from http://indianexpress.com/article/world/world-news/bangladesh-cafe-attack-indian-among-20-killed-in-dhakas-night-of-terror-2890521/. Accessed on 8 July 2016.

41. Hasan, Rashidul. 2016. Those Who Could Recite Quran Were Spared: Gulshan Attack Victims family. *The Daily Star*. Retrieved from http://www.thedailystar.net/city/those-who-cited-quran-verse-were-spared-1249228. Accessed on 2 July 2017.
42. Bloody End to Dhaka Hostage Crisis. 2016. *The Daily Star*. Retrieved from http://www.thedailystar.net/online/security-forces-begin-offensive-end-hostage-crisis-1249219.
43. Miglani, Sanjeev. 2016. Home Grown Militants Behind Recent Spate of Attacks, Say Bangladesh Police. *The Wire*. Retrieved from http://thewire.in/47253/home-grown-militants-behind-recent-spate-of-attacks-say-bangladesh-police/. Accessed on 2 July 2016.
44. Riaz, Ali. 2010. The Politics of Islamization in Bangladesh. In *Religion and Politics in South Asia*, ed. Ali Riaz, 45–70. Routledge & Taylor and Francis.
45. Ghosh, Dwaipayan. 2014. Boundary of Terror. *The Times of India*. Retrieved from http://timesofindia.indiatimes.com/city/kolkata/Boundary-of-terror/articleshow/44999440.cms. Accessed on 7 June 2016.
46. Hauzel, Hoihnu. 2005. Arms, Drug Smuggling and Cross Border Terrorist Activities. In *Dynamics of Bangladesh-India Relations: Dialogue of Young Journalists Across the Border*, ed. Farooq Shoban, 39–54. Dhaka: Bangladesh Enterprise Institute, The University Press.
47. Yikun, Ge, and Lei Wei. 2005. Links Between Yunnan and India During the Second World War. In *India and China in the Colonial World*, ed. Madhavi Thampi, 193–198. New Delhi: Social Science Press.
48. Dubey, Muchkund. 2013. *India's Foreign Policy: Coping with the Changing World*, 195. New Delhi: Pearson.
49. Rajagopal, K. 2014. Supreme Court: Why is the Eastern Border Still Porous. *The Hindu,* December 18, 2014.
50. Pisharoty, Barooh Sangeeta. 2017. Interview: Sarbananda Sonowal on his first year as Assam Chief Minister. *The Wire*. Retrieved from https://thewire.in/128517/interview-sarbananda-sonowal/. Accessed on 26 Apr 2017.
51. Law, Abhishek. 2013. Wagah Like Beating Retreat Ceremony on India-Bangladesh Border. *The Hindu Business on Line*. Retrieved from http://www.thehindubusinessline.com/news/wagahlike-retreat-ceremony-on-indiabangladesh-border/article5322459.ece. Accessed on 3 Jan 2017.

Chapter 6
Conclusion

Conceptually, although a lot has been talked about the changing character of boundaries, especially in the age of globalization, yet, across the world, they are hard to cross. In contemporary times, the idea of security state—both economic and military—has gained prominence making strict border a reality. Technologies are being used to keep an eye on the movement of people across them yet economic reasons, social bonding and interdependence are such that people take all sorts of risks to cross them. Immigration and illegal migration are a reality since a long time, and they are going to remain so in the future.

Immigration takes place in both legal and illegal ways. The nature of it depends on the class status, religious or ethnic identity and the relationship their country has with the host country. Often, people belonging to a similar religious group or ethnic identity are being welcomed by the host country. For example, Tamils from Sri Lanka were welcomed by India in the 1980s and 1990s because of ethnic reasons. Also, Hindus from Bangladesh and Pakistan are welcomed by a significant number of Hindus from the Border States. On contrary, if the migrants or refugees do not belong to same religious or ethnic groups, they face strong resistance from the local population.

Belonging to a particular class defines the route migrants take to enter into a foreign country. As the skilled and semi-skilled workers from developing countries or LDCs get work permits, after sucessfully crossing few hurdles, the non-skilled workers dream to be in the developed world to earn money and for other reasons. Often, a large number of non-skilled workers take illegal means, which attracts many risks, hardships and economic costs. In their attempt to do so, many even die before reaching their destination point. For example, in a bid to enter into the USA, the migrants do not shy away from taking risk of crossing through even Panamanian jungle. This route is popularly taken by many who try to illegally enter into the USA, mainly, from Latin American countries, Africa and Asia. In the jungle they have to survive from the poisonous snakes, bats and other animals. They also, sometimes, encounter with bandits and smugglers. Some even die from the disease. Even if one manages to reach the USA after surviving all such

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challenges he is not sure about the treatment he would meet after landing in the USA territory. They may be deported to their country or put behind the prison. Even if one overcomes those challenges, there is no guarantee that he would be able to get any work to fulfill his dreams about the USA.[1]

Statistically, there were 232 million international migrants in 2013. Out of that total number, about 59 percent live in the developed regions. The rest of them, i.e. around 41 percent are hosted by developing countries.[2] Region wise, 136 million lives in the North, out of them 82 million or say about 60 percent have their place of origin from the developing countries, while 54 million, or 40 percent, were born in the North. Out of the 96 million migrants living in developing countries, 82 million which is about 86 percent have their source of origin in the south of the globe. Only 14 percent of them are born in the North.[3] A marked difference in the pattern of migration in the age of globalization is movement of a significant number of women labours too across the world. The demand for foreign labour especially in more developed countries is now attracting women from the developing and LDCs. With rise of prosperity in the developed and a few developing countries, the demand for maids, nurses and in hospitality sectors have increased. In all such sectors, women are preferred over males. This has caused the migration of a number of women from the developing and LDCs to the countries where there are such demands.[4]

Despite all realities, there is no single document consolidating the legal and normative framework on migration. The migrant's rights are being guarded under two sets of international treaties and agreements. The first set of their rights are regarded as the core human right treaties which came into force in the early twenty-first century. These core treaties are International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture, the Convention on Elimination of all forms of Discrimination against women, the Convention on Rights of Children and Convention on Rights of Person with Disability.[5] The second group constitutes the institution of the rights adopted by the United Nations in 1990 like Convention on the Protection of the Rights of migrant workers. The migrants are provided rights under international labour law.[6] There is no international agency to look after the interests of the migrants. International Organization

[1]Munoz, Sarah Schaefer (29 May 2015) 'Global Migrants brave Panama's vipers, bats, bandits to reach US'. *The Wall Street Journal.*

[2]International Migration Report 2013, United Nations Economic and Social Affairs. Retrieved from http://www.un.org/en/development/desa/population/publications/migration/migration-report-2013.shtml on 14 November 2015.

[3]Ibid.

[4]Krieger [1].

[5]Cited in Chaterji, Joya (1994) *Bengal Divided: Hindu Communalism and partition, 1932–1947* Cambridge: Cambridge University Press. p. 174.

[6]Ibid.

for Migration (IOM) works outside the United Nations and does not have a specific mandate of migrant protection.[7]

In most cases the locals are hostile towards the migrants. The fear from the locals, often, makes the migrants unite and participate in community's activities, even some of them do not want to do so. More than the migrants, it is immigrants and diaspora from the developing countries who try to preserve their identity to define themselves. This is a reason why many immigrants and diaspora try to link themselves to one way or the other with their countries of origin. Under the influence of racism and post-9/11 attacks, there have been many cases where a turban-wearing brown male have faced physical attacks in the capitals of the Western countries, mainly in the USA. This shows that despite living there for decades or even centuries, in certain cases, the immigrants and diaspora are still treated as an outsider. In recent years, the diaspora studies have become an important theme to research upon. Many literature are coming on this theme through which they try to define their 'selves' and know about their history.

Although denied by the Bangladesh state, migration from Bangladesh into India is realty. Theoretically, people do move across the border for reasons, as mentioned earlier in the book. Hence instead of denying, it has to be accepted and measures should be taken to address the issue. Many of the migrants from Bangladesh take all certain pains and risks to cross into the Indian side of the border to earn a livelihood. Their presence in a few of the Indian states has provided benefits to the small-scale businessmen who look out for cheap labourers. However, the majority of the host population does not like these migrants for social and economic reasons. This often put the migrants into a conflict situation against the hosts. In many cases, intra-class conflicts are being turned into a communal conflict. Most of the migrants are Muslims while the majority of locals are Hindu.

Socially and historically, a distance has always been maintained between people from East Bengal and West Bengal and Assam. The difference was based on religious and territorial identities. Religiously, the Muslims were treated as untouchables and were mainly from the peasant class. Both religion and class status were a reason to keep them away. This social border created between Hindus and Muslims were exploited by the British in 1905 who divided the Bengal. In 1911, although the decision was annulled a sketch of the future relationship was prepared. By 1920s, the rise of Muslim middle class put up a challenge to class discrimination and constructed religious differences. The rise of parallel communal movement under the patronage of Muslim League, Hindu Mahasabha and the Indian National Congress led assertive demand of the second partition of Bengal in 1947. Unlike the 1905, this partition was accepted by the people who used all sorts of violence against the people of other community which was a catharsis of years of hatred one has against the other.

As individuals wear multiple mutable identities, they keep on changing. In 1971, the religion-based identity developed various cracks and an assertion of ethnic

[7]Ibid.

identity led to liberation of Bangladesh from exploitation of Pakistan. Post 1971, due to India's role in the liberation of Bangladesh, it was thought that the two countries would resolve their disputes but it did not happen. Tensions remain over border disputes. This is mainly because of the character of the modern nation-state which is rational and not emotional. After 41 years of signing of border agreement in 2015, it has come into implementation. Yet disputes over associated issues have not been resolved because of complexities mentioned in the chapters. These issues affect India–Bangladesh relationships in a significant way. Mainly, the BNP has been very critical about any developments in India–Bangladesh relationships and also alleges that India's claims are 'constructed' and not real.

Current Status of India–Bangladesh Relationships

As maintained in beginning that the bilateral relationships between India and Bangladesh have little impact on the behaviour of people from host country towards the migrant or the action taken by the respective border guards against the trespassers or those crossing with legal documents, yet it is important to know the status of relationship because it does have certain influences on the character of border between the two countries. In this light, the post-LBA dynamics between India and Bangladesh is necessary to understand.

After a long wait for 7 years, Sheikh Hasina has paid an official visit to India from 7 April to 10 April 2017. Prior to it, Hasina was in Delhi on two occasions. First time in 2015 to attend the funeral of Surva Mukherji, wife of the then President of India Pranab Mukherji; and second time she was in India to attend BRICS (Brazil, Russia, India, China and South Africa) meeting in Goa in 2016. During both occasions, she had a meeting with the Indian Prime Minister, Narendra Modi. During her 2017 visit, India and Bangladesh had signed 35 bilateral agreements and Memorandum of Understandings (MoUs). 22 of those MoUs and agreements were signed between the two governments while 13 were business-related deals engaging the private and public sectors from the two countries.[8]

One of the major agreements India and Bangladesh signed in 2017 was in the defence sector. It included both procurement of military hardware and also to strengthen institutional interactions between the defence forces from the two respective countries. To procure defence materials from India, Modi announced a Line Of Credit (LOC) worth $500 million USD to Bangladesh.[9] During their

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[8]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. Retrieved http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017. Accessed on 10 April 2017.

[9]https://twitter.com/MEAIndia. Accessed on 8 April 2017.

meeting 'the two Prime Ministers emphasized the need to further strengthen and consolidate defence cooperation through greater military-to-military training and exchanges. They also complimented the Armed Forces for their professional conduct during Joint Search and Rescue Operations in the Bay of Bengal leading to the rescue of a large number of fishermen from both sides and the recent initiatives to enhance cooperation in the field of High Available Disaster Recovery (HADR) activities'.[10] In this direction, one MoU was signed between Defence Services Staff College, Wellington (Nilgiris), Tamil Nadu, India and Defence Services Command and Staff College, Mirpur, Dhaka, Bangladesh. Its focus is on cooperation in the Field of Strategic and operational studies. A related MoU was signed between the National Defence College, Dhaka, Bangladesh and National Defence College, New Delhi. This MoU focuses on to increase cooperation between the two institutes in areas of study of national security and strategic studies.[11] As per reports in media, mainly, from Bangladesh, earlier India offered Bangladesh to sign a comprehensive defence deal, but, finally, had to settle down to settle with only two agreements and seven MoUs on the defence-related matters. The backtrack was due to increasing negative reactions in Bangladesh against the news of having comprehensive defence deal between the two countries.

Bangladesh Nationalist Party (BNP) had expressed strong reservations against the earlier proposed comprehensive defence deal, and later also reacted against the defence-related agreements and MoUs between the two countries. Party's secretary Ruhul Kabir Rizvi, as quoted in *The Financial Express* stated that 'signing any defence deal or memorandum of understanding with India will be a dangerous venture for Bangladesh………We think Bangladesh's defence system will turn into India's extended one if Bangladesh procures military hardware from that country'.[12] Then BNP secretary general Mirza Fakhrul Islam Alamgir posed a question to the Hasina government that why it is willing to sign the defence deal with India since it claims Bangladesh–India ties are now at its peak. He said that 'BNP doesn't think there's any necessity of signing such deal or MoU. People won't accept any agreement that goes against the country's independence and sovereignty'.[13] Besides political opponents of Hasina, a number of members of the Bangladesh's civil society had also expressed their opposition to the earlier proposed defence deal with

[10]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. Retrieved http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017. Accessed on 10 April 2017.

[11]Ibid.

[12]'Any Defence Deal with India 'to be a dangerous Venture-BNP' (17 March 2017) *The Financial Express*. http://www.thefinancialexpress-bd.com/2017/03/17/64599/Defence-deal-with-India-'dangerous':BNP. Accessed on 19 March 2017.

[13]'Resolve outstanding issues with India first, BNP asks PM' (7 April 2017) *Prothom Alo*. Retrieved from http://en.prothom-alo.com/bangladesh/news/144597/Resolve-outstanding-issues-with-India-first-BNP. Accessed on 10 April 2017.

India. A round table discussion was conducted by the Bangladesh's daily newspaper Prothom *Alo* before Hasina's visit to India. In that discussion, majority of the discussants expressed strong words against any such defence agreement between India and Bangladesh.[14] During the roundtable, (Retired) Major General ANM Muniruzzaman, President of the Bangladesh Institute of Peace and Security Studies stated that 'It is not clear why there is a need for military cooperation or why India is so insistent about this proposal. The Indian media is speaking about joint manufacture. That means certain restrictions will be placed on our procurement. As it is, small states always have certain limitations. We must take this into consideration and keep national interests in mind when we take any steps'.[15]

After the end of the visit to India by Hasina, in her reaction against the India–Bangladesh defence agreement, Khaleda Zia, Chairperson of the BNP and former Prime Minister of Bangladesh said that 'If voted to power, the BNP would review all the 'anti-state' deals and MoUs signed with India to protect the country's interests…….. People regard the tour as an ultimate failure and also as one to give all and take nothing. The prime minister returned home empty-handed as she was only given some assurances'. Further, she stated that 'People once again noticed that India's defence, political and geopolitical dominance over Bangladesh would grow due to signing of treaties and MoUs in different areas, including security assistance and cyber-crime, arms purchase, line of credit, assistance in nuclear project, import of diesel and power and increasing connectivity'.[16] Also her senior party colleague, Gyaneshar Chandra Roy made a statement that 'We think the agreements were signed to ensure security of India, not that of Bangladesh. India has inked the deal to freely use Bangladesh's territory to save its own land when it'll engage in war with any big power'.[17] Also, after the deal, secretary of BNP, Ruhul Kabir Rizvi added that 'The country's people have no consent to the defence MoUs, and they won't allow those to be implemented. We'll set up our security system in our own style'.[18] He added 'India has signed the MoUs with a particular political party of Bangladesh to keep it in power forever. This agreement is with a party which has no popularity'.[19]

It's true that as a small country with no permanent military rival near its border, Bangladesh's military needs is limited. But this has not been the case. In past, the

[14]Details of the round table can be viewed at http://en.prothom-alo.com/bangladesh/news/143647/Defence-deal-with-India-hardly-relevant-Analysts.

[15]Kabir, Ayesh (2017, 4 April) 'Deal or No Deal' *Pratham Alo*. Retrieved from http://en.prothom-alo.com/opinion/news/144381/Deal-or-no-deal. Accessed on 10 April 2017.

[16]'PM returned Empty-handed' (13 April 2017) *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/pm-returned-empty-handed-1390516. Accessed on 13 April 2017.

[17]http://en.prothom-alo.com/bangladesh/news/144793/Why-so-many-deals-BNP-asks-govt-to-justify.

[18]'People Rejected Defence MoUs with India: BNP' (9 April 2017) *Bangladesh Observer*. Retrieved from http://www.observerbd.com/details.php?id=67999. Accessed on 10 April 2017.

[19]'People Rejected Defence MoUs with India: BNP' *The Daily Observer* 9 April 2017. Retrieved from http://www.observerbd.com/details.php?id=67999. Accessed on 10 April 2017.

political leadership of the country to glue strong relationships with China had entered into defence agreements and treaties with that country. In 1975, China came forward to provide technological help to Bangladesh after the Soviet Union refused to the military to supply spare parts to it. According to an estimate, between 1975 and 1978, Bangladesh procured about 78 percent of its arms from China.[20] Since then, China has maintained its position as leading arms exporter to Bangladesh. As the relationship between Bangladesh and China became cordial, in 2002 under Khaleda Zia leadership, Bangladesh signed defence cooperation agreement with China.[21] Following the agreement, China has engaged into supplying modern defence equipment to Bangladesh.

In 2016, Bangladesh procured two Ming class submarines from China at a cost of around $203 million USD. This is really a big sum of money spent by a poor country like Bangladesh on defence weapon procurement. Boosting their bilateral relationship, further, closer during the visit of the Chinese President Xi Jinping to Dhaka on 14 October 2016, Bangladesh and China signed 'Strategic Partnership of Cooperation'. Looking into the defence relationship and growing strategic closeness between China and Bangladesh, one can ascertain that the opposition to India–Bangladesh defence deal is more for gaining political brownie points instead of having objective nuances.

As both India and Bangladesh is struggling with a problem of militancy, during their meeting on 8 April 2017 the two Prime Ministers called on the international community to end selective or partial approaches to combat terrorism. They made a joint appeal for the early finalization of the proposals and adoption of a Comprehensive Convention on International Terrorism by the United Nations General Assembly. The two Prime Ministers 'recognized the need for urgent measures to counter and prevent the spread of terrorism, violent extremism and radicalization in the region and beyond and expressed their determination to take concrete measures to further step up cooperation and coordination among law enforcement, intelligence and security organizations of both countries. They reiterated their commitment to ensure that their respective territories would not be allowed to be used for any activities inimical to the other'.[22] Correspondingly, 'they underscored the need for effective operationalization of the bilateral Extradition Treaty and, in this regard, welcomed the addendum signed during the visit of Home Minister of Bangladesh to India in July 2016. They also lauded the exemplary cooperation on checking the smuggling and circulation of fake currency notes and

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[20]Ghosh [2].

[21]Pattanaik, Smruti S. 'Sheikh Hasina's Visit to India: an opportunity to broaden the relationship' *IDSA Comment*. Retrieved from http://www.idsa.in/idsacomments/sheikh-hasina-visit-to-india_sspattanaik_070417. Accessed on 8 April 2017.

[22]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. Retrieved http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017. Accessed on 10 April 2017.

narcotics. They lauded the signing of Standard Operating Procedures for operationalisation of the MoU on Cooperation between the Coast Guards'.[23]

Expressing themselves on measures to address challenges on India–Bangladesh border the Prime Ministers 'shared the view that effective implementation of the Coordinated Border Management Plan (CBMP) would enable better border management to jointly manage the identified vulnerable areas, irregular movement, incidents of violence and tragic loss of lives and ensure a border free of criminal activities. Both Prime Ministers reiterated that the number of deaths at the border must be brought down to zero and directed the concerned authorities to work towards that end. Both leaders welcomed the Standard Operating Procedures (SOPs) signed between the Indian Border Security Force and the Border Guards Bangladesh to allow use of Indian border roads for construction and maintenance of Border Posts of Border Guards Bangladesh as well as use of medical facilities in remote border stretches. They also appreciated the fact that meetings of the DCs/DMs of bordering districts on both sides have been held in cluster format since 2014'.[24]

To assist Bangladesh in its economic development, India announced a third (new) concessional LOC of $4.5 billion USD. This is, primarily, to make use in priority sectors which is now going to be about 8 billion USD in next 6 years.[25] This money will help Bangladesh to build up its infrastructure and experience economic growth. At present, projects worth $3 billion USD in Bangladesh funded by India through soft loan are in their implementation stages. Some of them are a part of the 1 billion USD granted as LOC in 2011 during then Indian Prime Minister Dr. Manmohan Singh's visit to Dhaka. In 2015, the amount was increased to $2 billion USD.[26] However, due to procedural reasons and institutional tardiness the utilization of the previous amount of $3 billion of Indian credit, is slow, although India had disbursed most of the sanctioned loan to Dhaka.[27]

At present India and Bangladesh are engaged into about $6.5 billion USD. This is in favour of India which exports goods worth around $5 billion to Bangladesh.[28] In 2017, in New Delhi, Hasina also met Indian businessmen. As a result, 13 MoUs

[23]Ibid.

[24]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. Retrieved from http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017.

[25]https://twitter.com/MEAIndia.

[26]Indian Line of Credit: Fresh $5b likely amid slow use of previous $3b The Daily Star 8 April 2017. http://www.thedailystar.net/frontpage/indian-line-credit-fresh-5b-likely-amid-slow-use-previous-3b-1388062.

[27]'Indian Line of Credit: Fresh $5b likely amid slow use of previous $3b' (8 April 2017) *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/indian-line-credit-fresh-5b-likely-amid-slow-use-previous-3b-1388062. Accessed on 10 April 2017.

[28]Bhattacharya, Pallab & Rezul Karim (10 April 2017) 'Indian Parties have common stance on Bangladesh' *The Daily Star*. Retrieved from http://www.thedailystar.net/frontpage/indian-parties-have-common-stance-bangladesh-1388992. Accessed on 19 April 2017.

between the Indian and Bangladeshi companies were signed. This is all likely to generate an investment of around $10 billion US dollars in sectors like power, energy, logistics, education and medical in Bangladesh. A few of the MoU-signing companies are Indian Public sectors.[29]

In a goodwill gesture, the day Hasina landed in India on 7 April 2017, India stated the commercial supply of High-Speed Diesel (HSD) to Bangladesh. An inaugural consignment of it, around 2200 metric tonnes of the fuel was supplied to Bangladesh on that day itself. In future to supply HSD to Bangladesh, India has planned to construct pipeline. Until the pipelines are completed, the HSD to Bangladesh would be transported from Numaligarh Refinery in Indian state of Assam to Bangladesh via transportation trains.[30]

To support power sector in Bangladesh, India extended its arm to Bangladesh to partner in fulfilling the country's mission to provide power for all by 2021. India has agreed to add 60 MW more to the 600 MW supply from India and has committed to add 500 MW more in future.[31] During the meeting, Indian and Bangladeshi Prime Ministers welcomed the agreement among the units on the proposed interconnection between Bornagar (Assam, India), Parbatipur (Bangladesh), Katihar (Bihar, India) to have a set up for power evacuation facilities.

Under the terms of the agreement, Bangladesh can withdraw 1000 MW of power from Assam to Bihar transmission passing through Bangladesh territory with suitable tapping points at Parbatipur in Bangladesh.[32] To meet other related challenges in the power sectors, India and Bangladesh also signed the Inter-governmental Agreement for cooperation in the field of Civil Nuclear Energy and agreements to cooperate in the field of nuclear energy.[33] In that effect, MoU was signed between Indian company called Energy Efficiency Services Ltd. (EESL) and Sustainable and Renewable Energy Development Authority (SREDA) from Bangladesh.[34] Also, an MOU was signed between Petrobangla and Petronet for the setting up of a Joint Venture Regasification LNG Terminal at Kutubdia Island.[35] The two countries also agreed to invite Indian private sector companies to make an investment in Bangladesh's power sector.

[29]Ibid.

[30]'Diesel Import from India starts tomorrow' (7 April 2017) *Daily Star*. Retrieved from http://www.thedailystar.net/country/diesel-import-india-starts-tomorrow-1387774. Accessed on 10 April 2017.

[31]https://twitter.com/MEAIndia.

[32]'List of Agreements/MoUs Exchanged During the State Visit of Prime Minister of Bangladesh to India (7–10 April 2017), Ministery of External Affairs, Government of India. Retrieved from http://www.mea.gov.in/bilateral-documents.htm?dtl/28360/List_of_AgreementsMoUs_exchanged_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_0710_2017. Accessed on 10 April 2017.

[33]Ibid.

[34]Ibid.

[35]Ibid.

To increase connectivity between the two countries, during the 2017 visit of Hasina, a train called as Maitree Express-2 began its service between India and Bangladesh. It now runs between Benapole in Bangladesh and Petrapole in India. The plan is to increase the weekly trip of the train in the near future. This service is an extension of the Maitree (friendship) Express, the first passenger train service between Dhaka and Kolkata which started its service on 14 April 2008. Later, in March 2017, the frequency of the train was increased from 1 to 4 days in a week. It covers a distance of around 375 km. To smoothen the service of cross-border train Maitree Express-2 infrastructures have already been developed by the two countries on their respective sides of the borders. Also, offices of immigration, customs and railway police are almost in final stage of completion.[36]

During their meeting in April 2017, the two prime ministers jointly inaugurated the restored railway link between Radhikapur (India) and Birol (Bangladesh). This, as expected, will ease cargo movement between the two countries. As agreed during the visit, in November 2017, a train service was started between Khulna (Bangladesh) and Kolkata (West Bengal). The train covers a distance of around 200 km.[37] An international railway terminus has been established in Chitpur, Kolkata. India and Bangladesh are also planning to link Akhura (Bangladesh) and Agartala (India) through train. This is expected to come into operations by end of 2018.[38] For freight operations, MoU was signed between Container Corporation of India and Container Company of Bangladesh Limited. In April 2017, India accepted the request of Bangladesh to look into the probability to establish a new rail link between Panchagarh (Bangladesh) and Siliguri (India).[39] Also a bus service connecting Kolkata–Khulna–Dhaka was inaugurated.[40] To boost inland water trade, MoU was also signed on development of Fairway from Sirajganj to Dhaikawa and Ashuganj to Zakiganj on India–Bangladesh Protocol Route.[41]

However, one of the major issues of contention between India and Bangladesh remains acceptance of new percentage to share Teesta water with Bangladesh. Since 2011, Bangladesh has been engaged at various levels with the Union and

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[36]'From Khulna to Kolkata by Train' (7 April 2017) *The Daily Star*. Retrieved from http://www.thedailystar.net/backpage/khulna-kolkata-train-1388086. Accessed on 10 April 2017.

[37]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017.

[38]Ibid.

[39]Ibid.

[40]'India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. Retrieved from http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017. Accessed on 10 April 2017.

[41]http://www.mea.gov.in/bilateral-documents.htm?dtl/28360/List_of_AgreementsMoUs_exchanged_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_0710_2017. Accessed on 10 April 2017.

West Bengal governments to conclude the deal on sharing of water from river Teesta. The Union government of India has given a green signal to share the new percentage of water with Bangladesh, but this is being opposed by the Chief Minister of West Bengal, Mamata Banerjee. She is against releasing so much (48 percent) water from Teesta to Bangladesh because it will lead to water problems in some of the districts of West Bengal like—Darjeeling, Cooch Behar, Jalpaiguri, South and North Dinajpur. On this issue, on the day of her arrival, in an article written for the Indian daily *The Hindu,* Hasina wrote 'We share our Lalon,[42] Rabindranath, Kazi Nazrul, Jibanananda; there is similarity in our language, we are nourished by the waters of the Padma, Brahmaputra, Teesta; and so on. The Sundarbans is our common pride. We don't have any strife over it. Then, why should there be any contention over the waters of common rivers?'[43] On this issue, the Indian Prime Minister during the joint statement where Ms. Banerjee was also present, said 'I firmly believe that it is only my government and your excellency, Sheikh Hasina, your government that can and will find an early solution to Teesta water sharing'.[44] However, repeating her position, a day before Hasina began her visit to India in April 2017, West Bengal chief minister reiterated her position that there is not enough water in the river Teesta to release more quantity than the present to Bangladesh. She said, as quoted in Indian media: 'What will I do if there is no water? There is no water in the Teesta. Mukutmanipur has dried up. Mahananda has dried up. This is just April. Then May, June are up ahead. By the time the rains start… it will be July. So these three months… there are water woes'.[45]

Further, after meeting Hasina, Ms. Banerjee said: 'Your problem is water, not Teesta. I am willing to look at any alternate proposal to address your issues. What we can do is that there are many other rivers in the area (India-Bangladesh), we can use water from them,' said Banerjee.[46]

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[42]Lalon Fakir was a mystic, songwriter, social reformer and thinker. Many of his songs are still being sung by folk singers and liked by many in both West Bengal and Bangladesh.

[43]Hasina, Sheikh 'Friendship is a flowing River: Sheikh Hasina writes for the Hindu' (7 April 2017) *The Hindu*. http://www.thehindu.com/opinion/lead/friendship-is-a-flowing-river/article17854490.ece?homepage=true. Accessed on 7 April 2017.

[44]'India, Bangladesh Signed 22 pacts in key sectors, Teesta issue unresolved' (8 April 2017) *Indian Express*. Retrieved from http://indianexpress.com/article/india/narendra-modi-sheikh-hasina-india-bangladesh-key-pacts-credit-line-teesta-issue-road-rail-lines-4604774/. Accessed on 8 April 2017.

[45]'No Water in Teesta: Mamata' *Business Standard* 5 April 2017. http://www.business-standard.com/article/news-ians/no-water-in-teesta-mamata-117040500898_1.html.

[46]'Mamata Calls Teesta WBs Lifeline' (9 April 2017) *Prothom Alo*. http://en.prothom-alo.com/bangladesh/news/144797/Mamata-calls-Teesta-WB-s-lifeline-says-it-can%E2%80%99t. Accessed on 9 April 2017.

In addition to Teesta, the two countries are also engaged on water and related issues on few other transboundary rivers between them. During Hasina's visit to India in April 2017, India announced $200 million USD of the fresh LOC for Buriganga River Restoration Project. The two Prime Ministers also expected an early conclusion of talks between the officials at different levels on various aspects relating to transboundary rivers like Feni, Manu, Muhuri, Khowai, Gumti, Dharla and Dudhkumar.[47] 'The two Prime Ministers appreciated the positive steps taken in respect of Bangladesh's proposal for jointly developing the Ganges Barrage on the river Padma in Bangladesh. They welcomed the visit of an Indian technical team to Bangladesh, establishment of a 'Joint Technical Sub Group on Ganges Barrage Project' and study of the riverine border in the upstream area of project'.[48] They also 'directed the concerned officials of the 'Joint Technical Sub Group' to meet soon and hoped that the matter would be further taken forward through continued engagement of both sides'.[49]

Some Suggestions to Deal with Post-LBA Border-Related Issues

Looking into the status of the above-mentioned India–Bangladesh relationships one can analyse that to a larger extent they are cordial yet their border remain, more or less, non-affected from that status. Certain suggested measures can be taken to manage and address the situation.

First, as the status of economy of neighbouring and distant countries act as pull and push factors for the migrants, there is a need to develop the region from where a large number of migration take place. Bangladesh is growing at a strong pace. For about past 20 years, it has been able to hover around a six percent of GDP, but like other neighbouring states, the distribution of growth is uneven and unequal. The development is also not enough to accommodate all its skilled, semi-skilled and non-skilled workers. To develop itself further, Bangladesh is dependent on the other countries. For strategic reasons, India and China are making a lot of investments in Bangladesh. For example, the visit by the Chinese President Xi Jinping to Dhaka on 14 October 2016 has galvanized India into action. During the visit, the Bangladesh and China signed 40 agreements and Memorandum of Understandings

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[47]India–Bangladesh Joint Statement During the State Visit of Prime Minister of Bangladesh to India (8 April 2017), Ministry of External Affairs, Government of India. http://www.mea.gov.in/bilateral-documents.htm?dtl/28362/India__Bangladesh_Joint_Statement_during_the_State_Visit_of_Prime_Minister_of_Bangladesh_to_India_April_8_2017. Accessed on 10 April 2017.

[48]Ibid.

[49]Ibid.

worth more than USD$25 billion.[50] At the moment, various projects in Bangladesh worth USD$3 billion are being implemented with Indian soft loan.[51] Once all such projects carried out by India and China in Bangladesh start operations, it will be a matter of observation that how many workers from Bangladesh they retain.

Second, due to the phenomenon of climate change, the environment has become a major pushing factor of migrants from one place to the other. In case of India and Bangladesh every year many people get displaced and cross into the other side of the border. To address such situation the two countries can make effort to jointly manage such environment-related issues on their borders or in their respective countries which have its impact on the other side.

Third, politically, to make its territory secure India is fencing its border with barbed wires, but can it check the people's movement across the border? Those who have resources and documents can move legally but many living near the border areas will discover new methods to get inside the 'others' side of the border. This is mainly because of emotional reasons and dependence of people living near the border areas. There are also possibilities that the trespassers commit illegal acts in India before going back to their country or they hatch a plot to carry out something in Bangladesh, as it has happened in past. These activities cannot be stopped only at border. The police and intelligence wings of the states sharing borders with Bangladesh have to be also engage in this act. Although the two countries have agreed to do in past, it is yet to be 'seriously' implemented at the ground zero level.

Fourth, the rise of communal violence in border areas with Bangladesh creates problems for those whose forefathers migrated into Indian side centuries ago. Often these, riots are being sparked on the lines of religious identity of people. There is an utmost need to counter such narratives.

Fifth, in past the NRC issue has created controversies, tensions and even violence in Assam. The publication of the first draft of the NRC has already created some confusions and panics in Assam. It is certain that in the final list there will be people who will be declared as 'illegal'. If not, both supporters and opponents of the NRC will question the entire process. Even a month before publication, extra security measures were taken in a few districts of Assam to address any sort of unpleasant situation. It was expected that the supporters and opponents may get into violent clashes over the draft. However, nothing of that sort happened because till now nobody has been outrightly declared as an illegal citizen of India. But after the final report, it is sure that a section of the population will turn as illegal citizens. As a number of people will declared as illegal citizens where they will go? Bangladesh has repeatedly stated that it does not have its nationals living as migrants in India. As some people will become stateless, they will shift or move from their original place and deliberately or unknowingly try to cross into the other side of the border.

[50]'BD, China set to sign over 25 deals, MOUs' 13 October 2016) *The Financial Express*. Retrieved from http://www.thefinancialexpress-bd.com/2016/10/13/49214/BD,-China-set-to-sign-over-25-MoUs,-deals. Accessed on 15 October 2016.

[51]Ibid.

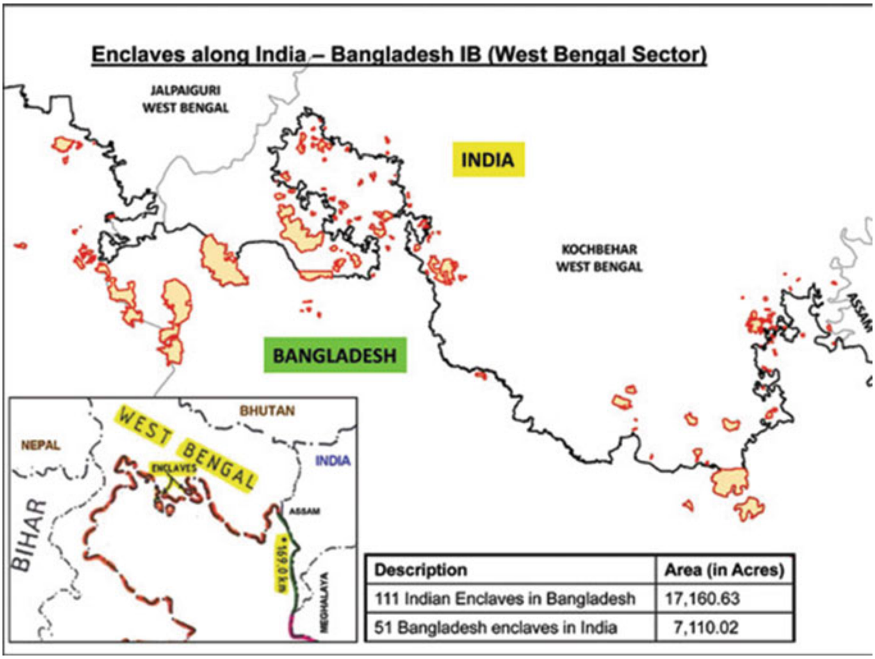
To meet such situation, India and Bangladesh have to take certain effective measures to protect them from the violence by the local or from the border guards when the stateless people cross into the other side of the border line. Even the SC in its 2014 order has directed the Union government of India to enter into some adjustments with Bangladesh so that people who are found illegally living in India can be deported. But New Delhi is reluctant to move in this direction because it does not want to disturb its relationships with Bangladesh. Notably, the NRC is going to complete its report in 2018 and Bangladesh will witness general elections either by end of 2018 or in the beginning of 2019. In such a situation, it would be interesting to observe that how the two countries are going to deal with the NRC report.

References

1. Krieger, Joel. 2015. International Migration. *The Oxford Companion to International Relations*, 77–82. New Delhi: Oxford University Press.
2. Ghosh, Suchitra. 1995. *China–Bangladesh-India Tangle Today: Towards a Solution?* 16. Kolkata: Sterling Publishers Pvt. Limited.

Appendix A

Enclaves on India–Bangladesh borders which were swapped between them after coming into effect of the LBA in 2015



Description	Area (in Acres)
111 Indian Enclaves in Bangladesh	17,160.63
51 Bangladesh enclaves in India	7,110.02

(*Source* https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf, p. 30. Accessed on 12 October 2017)

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6

Appendix B

Sectorwise Demarcation of Border Line on a strip Map as Agreed by India and Bangladesh under the LBA.

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6

(a) West Bengal Sector

(i) Bousmari – Madhugari (Kushtia-Nadia) area
The boundary shall be drawn from the existing Boundary Pillar Nos. 154/5-S to 157/1-S to follow the centre of old course of river Mathabanga, as depicted in consolidation map of 1962, as surveyed jointly and agreed in June 2011.

(ii) Andharkota (Kushtia-Nadia) area
The boundary shall be drawn from existing Boundary Pillar No 152/5-S to Boundary Pillar No 153/1-S to follow the edge of existing River Mathabanga as jointly surveyed and agreed in June 2011.

(iii) Pakuria (Kushtia-Nadia) area

The boundary shall be drawn from existing Boundary Pillar No 151/1-S to Boundary Pillar No 152/2-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June 2011.

(iv) Char Mahishkundi (Kushtia-Nadia) area

The boundary shall be drawn from existing Boundary Pillar No 153/1-S to Boundary Pillar No 153/9-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June 2011.

(v) Haripal/ Khutadah/ Battoli/ Sapameri/ LNpur (Patari) (Naogaon-Malda) area

The boundary shall be drawn as line joining from existing Boundary Pillar No 242/S/13, to Boundary Pillar No 243/7-S/5 and as jointly surveyed and agreed in June 2011.

(vi) Berubari (Panchagarh-Jalpaiguri area)

The boundary in the area Berubari (Panchagarh-Jalpaiguri) adversely held by Bangladesh, and Berubari and Singhapara-

Khudipara (Panchagarh-Jalpaiguri), adversely held by India shall be drawn as jointly demarcated during 1996-1998.

(b) Meghalaya Sector

(i) Lobachera-Nuncherra

The boundary from existing Boundary Pillar No 1315/4-S to Boundary Pillar No 1315/15-S in Lailong - Balichera, Boundary Pillar No 1316/1-S to Boundary Pillar No 1316/11-S in Lailong-Noonchera, Boundary Pillar No 1317 to Boundary Pillar No 1317/13-S in Lailong- Lahiling and Boundary Pillar No 1318/1-S to Boundary Pillar No 1318/2-S in Lailong- Lubhachera shall be drawn to follow the edge of tea gardens as jointly surveyed and agreed in Dec 2010.

(ii) Pyrdiwah/ Padua Area

The boundary shall be drawn from existing Boundary Pillar No 1270/1-S as per jointly surveyed and mutually agreed line till Boundary Pillar No 1271/1-T. The Parties agree that the Indian Nationals from Pyrdiwah village shall be allowed to draw water from Piyang River near point No 6 of the agreed Map.

(iii) Lyngkhat Area

(aa) Lyngkhat-I / Kulumcherra & Lyngkhat-II/ Kulumcherra

The boundary shall be drawn from existing Boundary Pillar No. 1264/4-S to Boundary Pillar No 1265 and BP No 1265/6-S to 1265/9-S as per jointly surveyed and mutually agreed line.

(ab) Lyngkhat-III/ Sonarhat

The boundary shall be drawn from existing Boundary Pillar No 1266/13-S along the nallah southwards till it meets another nallah in the east-west direction, thereafter it shall run along the northern edge of the nallah in east till it meets the existing International Boundary north of Reference Pillar Nos.1267/4-R-B and 1267/3-R-I.

(iv) Dawki/ Tamabil area

The boundary shall be drawn by a straight line joining existing Boundary Pillar Nos 1275/1-S to Boundary Pillar Nos 1275/7-S. The Parties agree to fencing on 'zero line' in this area.

(v) Naljuri/ Sreepur Area

(aa) Naljuri I

The boundary shall be a line from the existing Boundary Pillar No 1277/2-S in southern direction upto three plots as depicted in the strip Map No 166 till it meets the nallah flowing from Boundary Pillar No 1277/5-T, thereafter it will run along the western edge of the nallah in the southern direction upto 2 plots on the Bangladesh side, thereafter it shall run eastwards till it meets a line drawn in southern direction from Boundary Pillar No 1277/4-S.

(ab) Naljuri III

The boundary shall be drawn by a straight line from existing Boundary Pillar No 1278/2-S to Boundary Pillar No 1279/ 3-S.

(vi) Muktapur/ Dibir Hawor Area

The Parties agree that the Indian Nationals shall be allowed to visit Kali Mandir and shall also be allowed to draw water and exercise fishing rights in the water body in the Muktapur / Dibir Hawor area from the bank of Muktapur side.

(c) Tripura Sector

(i) Chandannagar-Champarai Tea Garden area in Tripura/ Moulvi Bazar sector

The boundary shall be drawn along Sonaraichhera river from existing Boundary Pillar No 1904 to Boundary Pillar No 1905 as surveyed jointly and agreed in July 2011.

(d) Assam Sector

(i) Kalabari (Boroibari) area in Assam sector

The boundary shall be drawn from existing Boundary Pillar No 1066/24-T to Boundary Pillar No 1067/16-T as surveyed jointly and agreed in August 2011.

Page 5 of 6

(ii) Pallathal area in Assam sector

The boundary shall be drawn from existing Boundary Pillar No. 1370/3-S to 1371/6-S to follow the outer edge of the tea garden and from Boundary Pillar No. 1372 to 1373/2-S along outer edge of the pan plantation.

(*Source* https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf, pp. 45–47. Accessed on 12 November 2017)

Appendix C

The judgement by the Permanent Court of Arbitration in 2014 on India–Bangladesh Maritime Disputes

1. **The Arbitral Tribunal's Jurisdiction**

The Arbitral Tribunal recalled that both Bangladesh and India are parties to the Convention. Having analysed the relevant provisions of the Convention, the Tribunal found that Bangladesh had complied with the requirements for submission of the dispute to arbitration under Annex. VII. The Tribunal also noted the agreement between the Parties that the Tribunal had jurisdiction to identify the location of the land border terminus and to delimit the continental shelf beyond 200 nautical miles.

2. **Location of the Land Border Terminus**

Bangladesh and India agreed that the location of the land border terminus was to be determined by application of the 1947 award rendered by Sir Cyril Radcliffe, Chairman of the Bengal Border Commission (the '**Radcliffe Award**'), as well as Notification No. 964 Jur. of the Governor of Bengal of 1925. The Radcliffe Award drew the boundaries between India and the new State of Pakistan (the eastern portion of which subsequently became Bangladesh), and provided in Annexure A that the border line shall 'run southwards along the border between the Districts of Khulna and 24 Parganas, to the point where that border meets the Bay of Bengal'. Annexure B of the Radcliffe Award included a map of Bengal, indicating the border determined by that Award. The border between the Districts of Khulna and 24 Parganas, referenced in the Radcliffe Award, had itself been set out in the 1925 Notification No. 964 Jur. in the following terms: 'the western border of district Khulna passes along the south-western border of Chandanpur… till it meets the midstream of the main channel of the river Ichhamati, then along the midstream of the main channel for the time being of the rivers Ichhamati and Kalindi, Raimangal and Haribhanga till it meets the Bay'. The Parties disagreed on the interpretation of Annexure A to the Radcliffe Award and of the 1925 Notification. They also

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6

disagreed on the relevance and the interpretation of the map in Annexure B to the Radcliffe Award.

Having considered the Parties' views, the Tribunal determined that the mid-stream of the main channel of the Haribhanga River must be located as it was in 1947, the date of the Radcliffe Award. It also found that the Radcliffe Award, incorporating the 1925 Notification, referred to the Haribhanga River alone and not to the combined waters of the Haribhanga and Raimangal Rivers as they meet the Bay of Bengal. The Tribunal used the map in Annexure B to the Radcliffe Award to identify the proper coordinates of the land border terminus, which was then transposed to a modern chart. The resulting position of the land border terminus is 21° 38′ 40.2″N, 89° 09′ 20.0″E (WGS-84).

3. Delimitation of the Territorial Sea

Both Parties agreed that Article 15 of the Convention governs the delimitation of the territorial sea in this case. That provision provides for the border between two States with opposite or adjacent coasts to be the median or equidistance, line unless either 'historic title' or 'special circumstances' apply. Neither Party claimed the existence of any agreement between them with respect to the border or a 'historic title' within the meaning of Article 15. They disagreed, however, on the interpretation of 'special circumstances', whether such circumstances exist in this case, and the implication any special circumstances for the method of delimiting the border. The Tribunal emphasized that Article 15 of the Convention refers specifically to the median/equidistance line method for the delimitation of the territorial sea, in which the border takes the form of a line, every point of which is equidistant from the nearest points on the coasts of the Parties. In constructing a provisional median/equidistance line, the Tribunal decided not to rely on base points located on low tide elevations. The Tribunal noted, however, that the land border terminus, determined by reference to the Radcliffe Award, is not at a point on the median/equidistance line. The Tribunal considered this to constitute a special circumstance and decided that the border should take the form of a 12-nautical mile-long geodetic line continuing from the land border terminus in a generally southerly direction to meet the median line at 21° 26′ 43.6″N; 89° 10′ 59.2″E.

4. Delimitation of the Exclusive Economic Zone and the Continental Shelf Within 200 nautical miles

Beyond the limit of the territorial sea, the Convention entitles States to sovereign rights over an exclusive economic zone extending to 200 nautical miles from the coast and over the continental shelf. The Parties agreed that articles 74(1) and 83(1) of the Convention govern the delimitation of the exclusive economic zone and the continental shelf within 200 nautical miles. These articles provide that the delimitation 'shall be effected by agreement on the basis of international law, … in order to achieve an equitable solution'. The Parties disagreed, however, on the method to be used pursuant to this provision. India argued for the application of the 'equidistance/relevant circumstances' method in which a provisional equidistance

line is identified and then adjusted if relevant circumstances so require. India considered, however, that no adjustment was necessary in the present case. In contrast, Bangladesh argued that the concavity of the Bay of Bengal and the instability of the coast called for the application of the 'angle-bisector' method. Under this approach, the overall direction of the Parties' coasts is first identified, and the angle formed by these lines is then bisected to produce the border line. In the Award, the Tribunal considered that the 'equidistance/relevant circumstances' method is preferable unless, as the International Court of Justice noted in another mater, there are 'factors which make the application of the equidistance method inappropriate'. The Tribunal held that this was not the case, noting that both Parties had been able to identify base points that would permit the construction of a provisional equidistance line, and decided that it would apply the equidistance/relevant circumstances method.

Turning to the existence of relevant circumstances, the Tribunal did not consider the instability of the coast of the Bay of Bengal to be a relevant circumstance that would justify adjustment of the provisional equidistance line. The Tribunal emphasized that what matters is the coastline at the time of delimitation and that future changes in the coast cannot alter the maritime border. The Tribunal concluded, however, that the concavity of the Bay of Bengal was a relevant circumstance and that, as a result of such concavity, the provisional equidistance line produced a cut-off effect on the seaward projections of the coast of Bangladesh. The Tribunal considered that the cut-off required an adjustment to the provisional equidistance line in order to produce an equitable result. Consistent with the concept of a singular continental shelf, the Tribunal decided on the adjustment of the provisional equidistance line within 200 nautical miles together with the delimitation beyond 200 nautical miles.

5. Delimitation of the Continental Shelf Beyond 200 nautical miles

Beyond 200 nautical miles from the coast, the Convention provides in certain circumstances for States to exercise sovereign rights over the continental shelf. The Parties agreed that both have entitlements to the continental shelf beyond 200 nautical miles, and that neither may claim a superior entitlement based on geological or geomorphological factors in the overlapping area. The Parties disagreed, however, regarding the appropriate method for delimiting the continental shelf beyond 200 nautical miles. The Tribunal was of the view that the appropriate method for delimiting the continental shelf remains the same, irrespective of whether the area to be delimited lies within or beyond 200 nautical miles. Having adopted the equidistance/relevant circumstances method for the delimitation of the continental shelf within 200 nautical miles, the Tribunal used the same method to delimit the continental shelf beyond 200 nautical miles. Having decided that the concavity of the Bay of Bengal required the adjustment of the provisional equidistance line within 200 nautical miles, the Tribunal was also of the view that an adjustment was required beyond 200 nautical miles.

6. **Adjustment of the Provisional Equidistance Line**

Having found that the concavity of the Bay of Bengal required the adjustment of the provisional equidistance line both within and beyond 200 nautical miles, the Tribunal proceeded to identify the adjustment that it considered necessary to achieve an equitable result. The Tribunal noted that, in seeking to ameliorate excessive negative consequences the provisional equidistance line would have for Bangladesh, the Tribunal must not adjust the line in a way that would unreasonably encroach on India's entitlements in the area.

Keeping these considerations in mind, the Tribunal decided that the equidistance line should be adjusted beginning at Delimitation Point 3, which the Tribunal considered to be the point at which the cut-off effect on the coast of Bangladesh began. From that point, the Tribunal decided that the border would be a geodetic line with an initial azimuth of 177° 30′ 00″ until this line meets the maritime border between Bangladesh and Myanmar.

7. **Disproportionality Test**

The Parties agreed that the final step in the delimitation process involves a test to ensure that the delimitation line does not yield a disproportionate result. This test compares the ratio of the relevant maritime space accorded to each Party to the ratio of the length of the Parties' relevant coasts. The Tribunal evaluated the maritime areas that would be allocated to each Party by its adjusted delimitation line and concluded that, in comparison to the lengths of the Parties' coasts, the allocation was not disproportionate.

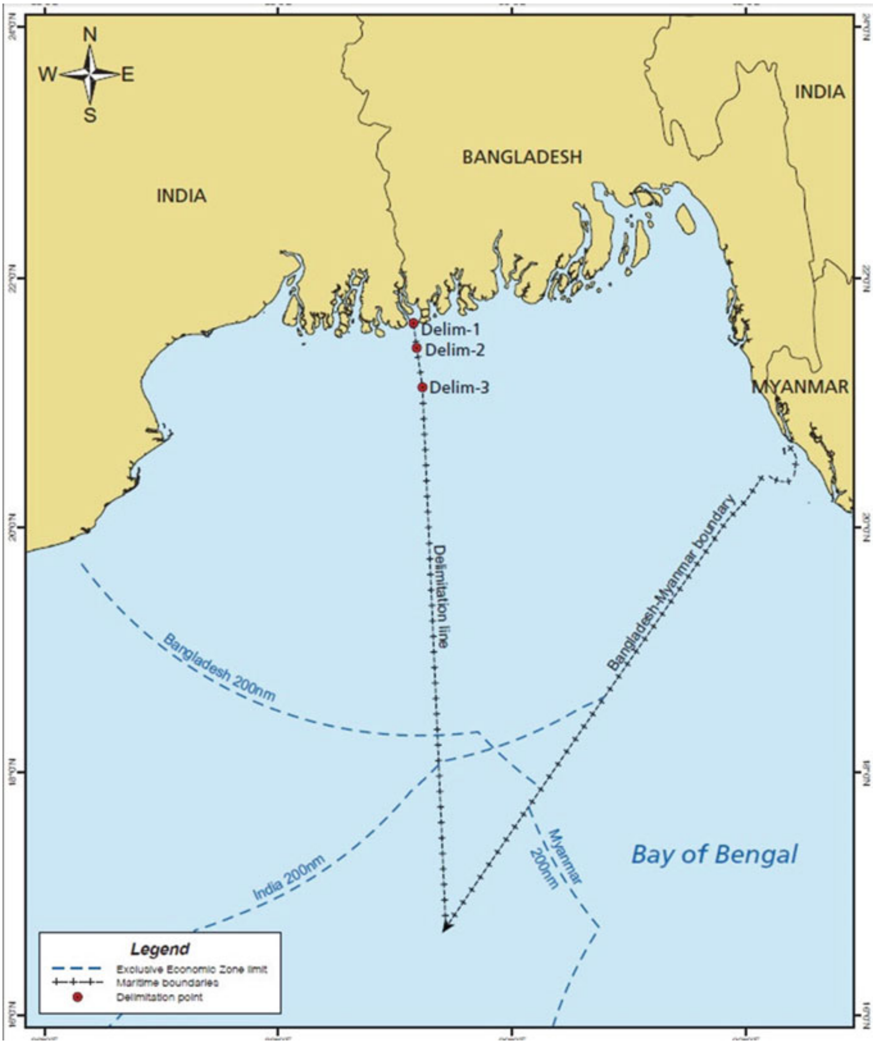
8. **Grey Area**

Finally, the Tribunal noted that the delimitation line it had adopted gives rise to an area that lies beyond 200 nautical miles from the coast of Bangladesh and within 200 miles from the coast of India, and yet lies to the east of the Tribunal's delimitation line. Within this 'grey area', the Tribunal noted, Bangladesh has a potential entitlement with respect to the continental shelf, but not an exclusive economic zone, while India is potentially entitled to both the zones. Accordingly, the Tribunal decided that, within the grey area, the border line delimits only the Parties' sovereign rights with respect to the continental shelf, and does not otherwise limit India's sovereign rights to the exclusive economic zone in the superjacent waters.

The President of the Arbitral Tribunal was Judge Rüdiger Wolfrum (Germany). The other members of the Tribunal were Judge Jean-Pierre Cot (France), Judge Thomas A. Mensah (Ghana), Dr. Pemmaraju Sreenivasa Rao (India) and Professor Ivan Shearer (Australia). P. S. Rao had given dissenting judgement showing his dissent over a few points agreed by the other judges of the PCA.

(*Source* Bay of Bengal Maritime Border Arbitration between Bangladesh and India, Permanent Court of Arbitration www.pcacases.com/web/sendAttach/410)

The judgment has been expressed in the map below.



(*Source* Bay of Bengal Maritime Border Arbitration between India and Bangladesh, Permanent Court of Arbitration www.pcacases.com/web/sendAttach/410. Accessed on 20 October 2017)

Appendix D

The Acquired Territories (Merger) Act, 1960

1. **Definitions**: In this Act, unless the context otherwise requires,

   (a) 'acquired territories' mean so much of the territories comprised in the Indo–Pakistan agreements and referred to in the first Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements.
   (b) 'appointed day' means such date as the Central Government may, by notification in the Official Gazette, appoint for the merger of the acquired territories under section 3, after causing the territories to be so acquired demarcated for the purpose, and different dates may be appointed for the merger of such territories into different States;
   (c) 'assembly constituency', 'council constituency' and 'parliamentary constituency' have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);
   (d) 'Indo-Pakistan agreements mean the Agreements dated the 10th day of September 1958, the 23rd day of October 1959 and the 11th day of January 1960 entered into between the Governments of India and Pakistan the relevant extracts of which are set out in the Second Schedule;
   (e) 'law' includes any enactment ordinance, regulation order, bye-law, rule, scheme, notification or other instruments having the force of law in the whole or in any part of the acquired territory;
   (f) 'sitting member' in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;
   (g) 'State concerned' in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal; and 'State Government concerned' shall be construed accordingly;

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6

(h) 'Union purposes' mean the purposes of Government relatable to any of the matters mentioned in List I of the Seventh Schedule to the Constitution.

2. **Merger of acquired territories**:

(1) As from the appointed day, the acquired territories referred to in Part, Part II and Part III of the First Schedule shall, respectively, be included in, and from part of, the States of Assam, Punjab and West Bengal.
(2) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

3. **Amendment of the First Schedule to the Constitution**: As from the appointed day, in the First Schedule to the Constitution:

(a) in the paragraph relating to the territories of the State of Assam, after the words 'the Assam Tribal Areas', the words, figures and brackets 'and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960', shall be inserted.
(b) in the paragraph relating to the territories of the State of Punjab after the words and figures the States Reorganisation Act, 1956 'the words, figures and brackets' and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960' shall be inserted;
(c) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures 'the Bihar and West Bengal (Transfer of Territories) Act, 1956' the words, figures and brackets and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960 be inserted.

4. **Construction of references to existing constituencies**: As from the appointed day,

(a) any reference in the Delimitation of Parliamentary and Assembly Constitution Order, 1956:

(i) to the State of Assam or Punjab or West Bengal, shall be construed as including that part of the acquired territory which is included in that State;
(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3;

(b) any reference in the Delimitation of Council Constituencies (Punjab) Order, 1951:

(i) to the State of Punjab, shall be construed as including that part of the acquired territory which is included in that State;
(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3.

(c) any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951:

(i) to the State of West Bengal, shall be construed as including that part of the acquired territory which is included in that State;
(ii) to any division or district, shall be construed as including that part of the acquired territory, if any, which is included in that division or district, by order made under sub-section (2) of section 3.

5. **Provisions as to sitting members**:

(1) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.
(2) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the Legislative Assembly by that constituency as so altered.
(3) Every sitting member of the Legislative Council of Punjab or West Bengal representing any council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration be deemed to have been elected as from the appointed day to the said Legislative Council by that constituency as so altered.

6. **Property and assets**:

(1) All property and assets within the acquired territories which, immediately before the appointed day, are vested in Pakistan or in the provisions of East Pakistan or West Pakistan shall, as from that day,
   (a) where such property and assets are relatable to Union purposes vest in the Union;
   (b) in any other case, vest in the State concerned in which the acquired territories are included.

(2) A Certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any

property or assets are held, immediately before the appointed day, are Union purposes.

7. **Appropriation of moneys for expenditure in acquired territories**:

   (1) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day for the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the financial year 1960–61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorized by such Act to be expenditure for any service in that State.

   (2) The Governor of the State concerned may, after the appointed day, authorized such expenditure form the Consolidated Fund of that State as the deems necessary for any purposes of services in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

8. **Extension of laws**: All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to, or as the case may be come into force in, those territories; Provided that anything done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken as from the appointed day, under the corresponding law extended to, and in force in, those territories.
9. **Power to name authorities for exercising statutory functions**: The State Government concerned, as respects the acquired territories included in that State may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day in those territories, may be mentioned in that notification and such law shall have been accordingly.
10. **Power to remove difficulties**:

    (1) If any difficulty arises in relation to the transition from any corresponding law of any law which by virtue of Section 9 shall as from the appointed day, extend to, or come into force in, the acquired territories, the Central Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expenditure for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the acquired territories as part of the State in which they are included the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expenditure for removing the difficulty.

(3) No power under sub-section (1) of sub-section (2) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) of sub-section (2) may so made as to be retrospective to any date not earlier than the appointed day.

1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENTS DATED THE 10TH DAY OF SEPTEMBER, 1958. It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible in the case of the latter dispute (Ichamati River)

(1) Piyain and Surma River regions to be demarcated in accordance with the relevant notifications cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(2) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

Signed. (M.S.A.BAIG), Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

NEW DELHI, 10 SEPTEMBER 1958.

Signed. (M.J.DESAI), Commonwealth Secretary, Ministry of External Affairs, Government of India.

2. EXTRACTS FROM THE AGREEMENTS ENTITLED ‘AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS’, DATED THE 23RD DAY OF OCTOBER 1959.

(1) West Bengal–East Pakistan Border.

Over 1,200 miles of this border have already been demarcated. As regards the border between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa Rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notification and record of rights.

(Sd.) (J.G.KHARAS), Acting Foreign Secretary, Ministry of Foreign Affairs & Commonwealth Relations, Karachi.

NEW DELHI. 23 October 1959.

(Sd.) (M.J.DESAI), Commonwealth Secretary, Ministry of External Affairs, New Delhi.

3. EXTRACTS FROM THE AGREEMENTS ENTITLED 'AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-WEST PAKISTAN BORDER AREAS' DATED THE 11TH DAY OF JANUARY 1960.

(1) West Pakistan—Punjab border—Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not been yet been demarcated due to the difference between the Governments of India and Pakistan regarding the interpretation of the decisions and Award of the Punjab Border Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation.

(2) Chak Ladheke (Amritsar–Lahore border)—The Government of India and Pakistan agree that the delineation of the border will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fail within the territories jurisdiction of the Government of India.

(3) Ferozepur (Lahore–Ferozepur border)—The Government of India and Pakistan agree that the West Pakistan–Punjab (India) border in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

(Sd.) M.J.DESAI, Commonwealth Secretary, Ministry of External Affairs, Government of India.

NEW DELHI: 11 January 1960.

(Sd.) J.G.KHARAS, Joint Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

(*Source* Retrieved from www.bombayhighcourt.nic.in/libweb/actc/1960.64.pdf. Accessed on 24 November 2017)

Glossary

Bangal People from East Bengal are referred as Bangal

Bhadralok Prosperous and educated people from Bengal

Bharat Mata Mother India

Char Sand-silted land in river

Crore Ten million

Ghoti People from West Bengal refereed as Ghoti

Haat Market

Lakh Hundred thousand

Miya Muslim

Mouza Administrative District

Munsiff Officer in lowest court in India

Mukti Bahini Liberation Army

Na-Asamiya New Assamese

Talukdar Landholder during the Mughal and British times

Thana Police station

Zamindar Landlord

A. Ranjan, *India–Bangladesh Border Disputes*, South Asia Economic and Policy Studies, https://doi.org/10.1007/978-981-10-8384-6